

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० १७] नई दिल्ली, शनिवार, अप्रैल २७, १९६८/वैशाख ७, १९९०

No. 17] NEW DELHI, SATURDAY, APRIL 27, 1968/VAISAKHA 7, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के प्रशासन राजपत्र ४ अप्रैल, १९६८ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 4th April, 1968 :—

Issue No.	No. and Date	Issued by	Subject
104	S.O. 1212, dated 28th March, 1968.	Ministry of Industrial Development and Company Affairs.	Constitution of a Committee to prepare a list of Electrical equipments which are available indigenously or which would be available in the immediate future.
एन० ओ० १२१३, दिनांक २८-३-१९६८	औद्योगिक विभाग तथा सहाय कार्य- मंत्रालय	देश में उपलब्ध अथवा तत्काल भविष्य में उपलब्ध होने वाले विद्युत उपकरणों की एक सूची तैयार करने के लिए समिति का गठन।	
105	S.O. 1214, dated 29th March, 1968.	Election Commission, India.	Bye-election of the Dausa Parliamentary Constituency in the State of Rajasthan.
S.O. 1215, dated 29th March, 1968.	Do.	Appointment of dates for the above bye-election.	
S.O. 1216, dated 29th March, 1968.	Do.	Fixation of hours (S.O. 1214) for the above bye-election (S.O. 1214).	

Issue No.	No. and Date	Issued by	Subject
106	S.O.1217, dated 30th March, 1968.	Ministry of Finance	Appointment of the Commission of Income-tax, Uttar Pradesh I Lucknow and the Commissioner, of Income-tax, Uttar Pradesh II, Lucknow to be the Tax Recovery Commissioners.
	S.O.1218, dated 30th March, 1968.	Do.	Authorising Shri H.C. Garg to exercise the powers of a Tax Recovery officer in respect of Kanpur District.
	S.O.1219, dated 30th March, 1968.	Do.	Authorising Shri A.K. Mukerji to exercise the powers of a Tax Recovery officer in respect of Varanasi District.
	S.O.1220, dated 30th March, 1968.	Do.	Authorising Shri B.L. Shah to exercise the powers of a Tax Recovery officer in respect of Lucknow District.
	S.O.1221, dated 30th March, 1968.	Do.	Authorising Shri K. S. Yadav to exercise the powers of a Tax Recovery officer in respect of Agra District.
	S.O.1222, dated 30th March, 1968.	Do.	Authorising Shri K.M. Lal to exercise the powers of a Tax Recovery Officer.
	S.O.1223, dated 30th March, 1968.	Central Board of Direct Taxes.	Direction that the commissioner of Income-tax, Uttar Pradesh I, Lucknow shall perform the function of the Tax Recovery Commissioner in respect of Kanpur and Varanasi Districts.
	S.O.1224, dated 30th March, 1968.	Do.	Direction that the Commissioner of Income tax, Uttar Pradesh II, Lucknow shall perform the functions of the Tax Recovery Commissioner in respect of Lucknow, Agra and Meerut Districts.
107	S.O. 1225, dated 1st April, 1968.	Ministry of Railways	Appointing the 1st day of April, 1968 as the date on which the Railway Property (Unlawful Possession) Act, 1966 (29 of 1966) shall come into force.
108	S.O. 1226, dated 1st April, 1968.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
109	S.O. 1227, dated 1st April, 1968.	Ministry of Finance	Notifying the Madras Industrial Investment Corporation Limited, Madras for the purposes of sub-clause (f) of section 194A of the Income-tax Act, 1961.
110	S.O. 1288, dated 1st April, 1968.	Ministry of Commerce.	The Imports (Control). First Amendment Order, 1968.
	S.O. 1289, dated 1st April, 1968.	Do.	Open General License No. IV—Amendment of.

Issue No.	No. and Date	Issued by	Subject
111	S.O. 1290, dated 2nd April, 1968.	Ministry of Petroleum and Chemicals.	The Ethyl Alcohol (Price Control Amendment Order, 1968.
112	S.O. 1219, dated 2nd April, 1968.	Ministry of Commerce.	Authorising Shri Dinker Kedarnath to continue to be in charge of the management of the Hira Mills Ltd., Ujjain.
113	S.O. 1292, dated 2nd April, 1968.	Ministry of Home Affairs.	President nominates four persons to the Council of States.
	S.O. 1293, dated 2nd April, 1968.	Do.	President nominates Shri G. Sankara Kurup to the Council of States.
114	S.O. 1294, dated 2nd April, 1968.	Ministry of Law	Biennial elections to the Council of States.
115	S.O. 1295, dated 2nd April, 1968.	Do.	Biennial elections to the Council of States for the year 1968.
116	S.O. 1296, dated 3rd April, 1968.	Ministry of Labour Employment and Rehabilitation.	Appointing S/Shri B.P. Agarwalla and R. Verma as members of the Coal Mines Labour Welfare Fund Advisory Committee.
117	S.O. 1297, dated 4th April, 1968.	Ministry of Commerce.	Amendment in the notification No. S.O. 847, dated 13th March, 1967.
	S.O. 1298, dated 4th April, 1968.	Do	The Export of Rubber Belting (Inspection) Amendment Rules, 1968.
	S.O. 1299, dated 4th April, 1968.	Do.	Amendment in the notification No. S.O. 849, dated 13th March, 1967.
118	S.O. 1300, dated 4th April, 1968.	Civil Aviation Department.	Notification of the areas specified in the table thereto and specification of the amount mentioned in corresponding entries.
	S.O. 1301, dated 4th April, 1968.	Do.	Exempting officers and staff and others mentioned therein from the provisions of Rule 78A of the Aircraft Rules, 1967.
	S.O. 1302, dated 4th April, 1968.	Do.	Authorising certain officials mentioned therein to demand for examination admission tickets for entry into International and domestic passengers booking halls and lounges and the enclosures appertaining thereto in the Government Aerodroms at Santacruz (Bombay), Dum Dum (Calcutta) and Meenabakkam (Madras).

कवर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(१) मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 28th March 1968

S.O. 1436.—In exercise of the powers conferred by sub-section (1) of section 9 of the Dargah Khawaja Saheb Act, 1955 (36 of 1955) and in supersession of the Notification No. 17(3)/64-MW, dated the 26th April, 1966 of the Government of India in the Ministry of Irrigation and Power, the Central Government in consultation with the Durgah Committee, Ajmer, hereby appoints Mir Mustafa Ali Khan Saheb, as Nazim Durgah Khawaja Saheb for a period of one year with effect from the 29th March, 1968.

[No. F. 11(7)/66-Waqf.]

E. VENKATESWARAN, Dy. Secy.

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 28 मार्च 1968

एस० ओ० 1437—दरगाह ख्वाजा साहब अधिनियम, 1955 (1955 का 36) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, सिंचाई व बिजली मंत्रालय की अधिसूचना संख्या 17(3)/64-एम डब्ल्यू ता० 26 अप्रैल 1966 को अतिष्ठित करते हुए केन्द्रीय सरकार, दरगाह समिति के परामर्श से, एतद्वारा मीर मुस्तफा अली खां साहब को 29 मार्च 1968 से एक वर्ष की कालावधि के लिए नाजिम दरगाह ख्वाजा साहब के रूप में नियुक्त करती है ।

[सं० फा० 11(7)/68-दक्क]

ई० वेंकटेश्वरन, उप सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th April 1968

S.O. 1438.—In pursuance of sub-rule (2) of rule 23 of the Citizens (Registration at Indian Consulates) Rules, 1956, the Central Government hereby specifies the 30th April, 1970, as the date on or before which applications for registration as Indian citizens under clause (b) of sub-section (1) of section 5 of the Citizenship Act, 1955, shall be made by persons of Indian origin ordinarily residing in Ceylon, and no application made by such persons after the said date shall be entertained.

[No. 2/1/67-IC.]

C. L. GOYAL, Under Secy.

गृह मंत्रालय

नई दिल्ली, 15 अप्रैल 1968

एस० नो० 1439—नागरिक (भारतीय कौन्सिलेटों में रजिस्ट्रीकरण) नियम, 1956 के नियम 23 के उपनियम (2) के अनुसरण में केन्द्रीय सरकार 30 अप्रैल, 1970 को एतद्वारा उस तारीख के रूप में विनिर्दिष्ट करती है जिसको या जिससे पूर्व कि नागरिकता अधिनियम 1955 की धारा 5 की उप-धारा (1) के खंड (ख) के अधीन, भारतीय नागरिकों के रूप में रजिस्ट्रीकरण के लिये आवेदन, मामूली तौर से सिलौन में निवास करने वाले भारतीय उद्भव के व्यक्तियों द्वारा किये जायेंगे और ऐसे व्यक्तियों द्वारा उस तारीख के पश्चात किया गया कोई भी आवेदन गृहीत नहीं किया जाएगा।

[सं० 2/1/67-आई०सी०]

सी० एल० गोयल, अव्वर सचिव ।

New Delhi, the 19th April 1968

S.O. 1440.—In exercise of the power conferred by sub-section (1) of section 548 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby makes the following rules further to amend the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952, published with the notification of the Government of India in the Ministry of Home Affairs No. SRO 709, dated the 17th April, 1952, namely:—

1. These rules may be called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Amendment Rules, 1968.

2. In the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952,—

- (i) in sub-clause (b) of clause (ii) of rule 4, after the words "under section" the figures, letter and words "251A and section" shall be inserted; and
- (ii) in sub-clause (c) of clause (ii) of rule 4, after the words "under section" the figures, letters and words "207A and section" shall be inserted.

[No. F. 8/30/67-Judl.-II.]

B. SHUKLA, Dy. Secy.

New Delhi, the 20th April 1968

S.O. 1441.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Second Amendment Rules, 1968.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, after sub-rule (1), the following sub-rule shall be inserted, namely:—

- "(1-A) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid

down in sub-rules (3) to (23) of rule 14, before making any order imposing on the Government servant any such penalty."

[No. 7/3/67-Ests(A).]

P. S. VENKATESWARAN, Under Secy.

ORDER

New Delhi, the 17th April 1968

S.O. 1442.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends to the State of Nagaland, the powers and jurisdiction of the members of the Delhi Special Police Establishment for the investigation of certain offences specified in notification of the Government of India in the Ministry of Home Affairs No. 25/12/62-AVD, dated the 18th February 1963 issued under section 3 of the said Act and mentioned in the Schedule hereto annexed:—

THE SCHEDULE

- (a) Offences punishable under sections 161, 162, 163, 164, 165, 165A, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211, 218, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263A, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477A, 489A, 489B, 489C, 489D and 489E of the Indian Penal Code 1860 (XLV of 1860);
- (b) Offence punishable under the Prevention of Corruption Act, 1947 (II of 1947);
- (c) Offences punishable under the Defence of India Act, 1962 and the Defence of India Rules framed thereunder;
- (d) Offences punishable under sections 51, 52, 55 and 56 of the Indian Post Office Act, 1898 (VI of 1898);
- (e) Offences punishable under section 63, 68, 116, 533, 539, 540, 541, 542; 628, 629 and 630 of the Companies Act, 1956 (I of 1956);
- (f) Offences punishable under the India Official Secrets Act, 1923 (XIX of 1923);
- (g) Offences punishable under sections 7 and 8 of the Essential Commodities Act, 1955 (X of 1955) and conspiracies in relation thereto or in connection therewith;
- (h) Offences punishable under section 24(1) (III) of the Industries (Development and Regulation) Act, 1951 (LXV of 1951) and conspiracies in relation thereto or in connection therewith;
- (i) Offences punishable under the Indian Wireless Telegraphy Act, 1933 (XVII of 1933);
- (j) Offences punishable under the Telegraph Wires (Unlawful Possession) Act, 1950 (74 of 1950);
- (k) Offences punishable under section 27 of the Indian Telegraph Act, 1885 (XIII of 1885);
- (l) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned in clauses (a) to (f) and clauses (i) to (k) and any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/5/67-AVD-II.]

A. P. VEERA RAGHAVAN, Dy. Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

CENTRAL EXCISE

Bangalore, the 3rd April 1968

S.O. 1443.—In exercise of the powers vested in me under Rule 5 of Central Excise Rules, I hereby empower the Central Excise Officers of the Mysore Central Excise Collectorate specified in col. 1 of the table below, to exercise within their respective jurisdiction the powers of Collector under the Rule enumerated in col. 2 and subject to the limitations set out in col. 3 of the said table.

Rank of Officer	Central Excise Rule	Extent of authority and/or limitations
Superintendent of Central Excise-in-charge of M.O.R.	53	To grant permission to maintain combined R.G.I. and E.B. 4

Note.—If there is no Superintendent M. O. R. in-charge of any particular Range or Factory, the permission will be accorded by the Superintendent of Central Excise-in-charge of the Circle.

(Issued from file C. No. IV/8/1/68-B.2.)

[No. 1/68]

M. C. DAS, Collector.

CENTRAL EXCISE COLLECTORATE, DELHI

CENTRAL EXCISES

New Delhi, the 8th April 1968

S.O. 1444.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I, the Collector of Central Excise, Delhi, hereby empower the Central Excise Officers not below the rank specified in column (2) of the following table, to exercise within their respective jurisdiction, the powers of a Collector, under Rule 191-B(5) of the Central Excise Rules, 1944, subject to the limitations set out in column 3 of the said table :—

Serial No.	Rank of Officers	Limitations
1	2	3
1	Deputy Collector	Where the duty involved in each case does not exceed Rs. 10,000/-. Notification No. 2/61 (in so far as the entries relating to the rank of 'Deputy Collector' are concerned) as amended by notification No. 7/62 and notification No. 2CE/65 (all issued by this Collectorate) stand modified to this extent.
2	Assistant Collector	Where the duty involved in each case does not exceed Rs. 1,000/-.
3	Superintendent	Where the duty involved in each case does not exceed Rs. 250/-.

[No. 4/68]

R. PRASAD, Collector.

BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISES***Bombay, the 15th April 1968*

S.O. 1445.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower the Central Excise Officers specified in Column 2 of the sub-joined Table to exercise within the jurisdiction of the Bombay Central Excise Collectorate, the powers of the Collector under Rule 191-B(5) of the Central Excise Rules, 1944, enumerated in column No. 1 thereof subject to the limitations mentioned in column 3 of the said Table.

TABLE

C. Ex. Rules	Rank of Officer	Limitations, if any
1	2	3
191-B(5)	(1) Dy. Collector C. Ex.	Where the duty involved in each case does not exceed Rs. 10,000.
	(2) Assistant Collector C. Ex.	Where the duty involved in each case does not exceed Rs. 1,000.
	(3) Superintendents C. Ex. (Senior)	Where the duty involved in each case does not exceed Rs. 250/-

(F.No.V. (30)-44/Misc./68)

[No. CER/5/2/68]

A. K. ROY, Collector.

**OFFICE THE COLLECTOR OF CENTRAL EXCISE
MADHYA PRADESH AND VIDARBHA****CENTRAL EXCISE***Nagpur, the 15th April 1968*

S.O. 1446.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944 I hereby empower the Central Excise Officers specified in column 2 of the sub-joined table to exercise within their jurisdiction the powers of the "Collector" under the Central Excise Rules enumerated in column 1 thereof subject to the limitations set out in column 3 of the said table:

TABLE

Central Excise Rules	Rank of Officer	Limitations, if any
191-B(5)	Asstt. Collector.	Full powers to the extent where the duty involved in each case does not exceed Rs. 1,000/-.
191-B(5)	Superintendent.	Full powers to the extent where the duty involved in each case does not exceed Rs. 250/-.

[No. 3/1968]

VIPIN MANEKLAL, Collector

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA AND ORISSA**CENTRAL EXCISE***Calcutta, the 16th April 1968*

S.O. 1447—In exercise of the powers conferred on me by rule-5 of the Central Excise Rules, 1944, I hereby authorise the Central Excise Officers, specified in column-2 of the following table, to exercise in their respective jurisdiction in the Collectorate of Central Excise, Calcutta & Orissa, the powers of Collector under the Rule enumerated in Column-3 of the table, subject to restrictions set out in column-4 thereof:

TABLE

Sl. No.	Rank of Officer	Relevant Central Excise Rule in respect of which power is delegated	Restrictions, if any
1	2	3	4
1.	Deputy Collector of Central Excise.	191-B(5)	The power to allow destruction of excisable goods and to remit the duty Payable thereon shall not exceed Rs. 10,000/- in each case.
2.	Assistant Collector of Central Excise	191-B(5)	The power to allow destruction of excisable goods and to remit the duty Payable thereon shall not exceed Rs. 1,000/- in each case.
3.	Superintendent of Central Excise.	191-B(5)	The power to allow destruction of excisable goods and to remit the duty Payable thereon shall not exceed Rs. 250/- in each case.

[No. 1 1968]

N. MOOKHERJEE, Collector,

MINISTRY OF COMMERCE**(Office of the Chief Controller of Imports and Exports)****(Baggage Licensing Section)****ORDER***New Delhi, the 19th April 1968*

S.O. 1448.—Shri Narendra Chandrakant Desai, 14, Suleman Chambers, behind Regal Cinema, Apollo Bunder Road, Bombay-1, was granted Custom Clearance Permit No. P/CC/2359473/N/YY/26/C/H, dated 9th January, 1968, for Rs. 24,000 only, for import of his car. He has applied for duplicate of the customs clearance permit on the ground that the original custom clearance permit has been lost or misplaced. It is further stated that the original customs permit was not registered with any Custom house and not utilised.

In support of this contention, Shri Narendra Chandrakant Desai has filed an affidavit. I am satisfied that the original customs clearance permit No. P/CC/2359473, dated 9th January, 1968, has been lost or misplaced and direct that duplicate customs clearance permit may be issued to him. The original customs clearance permit is cancelled.

[No. 2(B-490)/67-68/BLS/309.]

P. C. NANDA,

Dy. Chief Controller of Imports and Export.
for Chief Controller of Imports & Exports.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, 2nd September 1967

S.O. 1449.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between the Gujarat Refinery, Baroda in Gujarat State to Ahmedabad in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

2. Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at Elempeeco, 4th floor, Sayaji Ganj, Opp. College, Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipelines Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Gujarat	Dist—Ahmedabad	Taluka—City		
Village ¹	S. No.	Hector	Arc.	P. Arc.
Chandlodia.	119/2	0	12	14
”	248	0	6	58
Vejalpur	1139	0	5	6
Okaf	211	0	17	36

[No. 31/41/64-Prod. Vol. 2.]

B. S. S. RAO, Under Secy.

(Department of Petroleum)

New Delhi, the 16th April 1968

S.O. 1450.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 3866, dated the 1st December, 1965 under sub-section (i) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in land specified in the Schedule appended to that notification for the purpose of laying pipelines.

And, whereas the Competent Authority has under sub-section (i) of section 6 of the said Act submitted report to the Government.

And, whereas the Central Government has after considering the said report decided to acquire the right of user in the land specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section the Central Government directs that the right of user in the said land, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

State—Uttar Pradesh

District—Varanasi

Tehsil—Chandauli

Village	Survey No.	Extent
		Acres.
Saresar	553	0.23

[No. 31/50/63-ONG/OR/IOC-Vol. 2.]

P. P. GUPTA, Under Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 16 अप्रैल, 1968

एस० ओ० 1451 :— पशुओं पर क्रूरता की रोकथाम के लिये अधिनियम 1960 (1960 के 59) के अनुभाग 15 के उप अनुभाग (1) और उप-अनुभाग (2) का अनुसरण करते हुए और भारत सरकार के भूतपूर्व खाद्य तथा कृषि मंत्रालय (कृषि विभाग) की अधिसूचना संख्या एस० ओ० 3398, दिनांक 26 सितम्बर, 1964 का अधिक्रमण करते हुए केन्द्रीय सरकार पशु कल्याण बोर्ड की सलाह से पशुओं पर परीक्षणों के नियन्त्रण और देखरेख के लिए निम्नलिखित सदस्यों की एक समिति गठित करती है और श्री कमलनयन बजाज को इस समिति का अध्यक्ष मनोनीत करती है :—

1. निदेशक, केन्द्रीय अनुसंधान संस्थान, कसौली।
2. निदेशक, हाफकिनी संस्थान, बम्बई।
3. निदेशक, भारतीय पशुचिकित्सा अनुसंधान संस्थान, इज्जतनगर।
4. उप महानिदेशक, स्वास्थ्य सेवाएँ, स्वास्थ्य सेवा, महा निदेशालय, नई दिल्ली।
5. (श्रीमती) बी० के० बतरा, कार्यालय अधिकारी, पशु प्रयोगशाला, सूचना सेवा तथा मुख्य इम्यूनोलोजी अनुभाग, बाइलोजी प्रभाग, टाटा स्मृति परेल, बम्बई।
6. डा० ए० बी० कार, वैज्ञानिक "एफ", केन्द्रीय औषधि अनुसंधान संस्था लखनऊ।
7. डा० एल० एन० मोहापात्रा, सहायक प्रोफेसर माइक्रोबाइलोजी, अखिल भारतीय चिकित्सा विज्ञान संस्था, नई दिल्ली।
8. डा० ई० आर० बी० शामनुगासुनद्रम, प्रोफेसर, वायोकामस्ट्री विभाग, मद्रास विश्वविद्यालय, मद्रास।
9. श्री बी० के० एकत, निदेशक-प्रोफेसर, पाथोलोजी, चिकित्सा शिक्षा तथा अनुसंधान का स्नातकोत्तर संस्था, चण्डीगढ़।
10. श्री कमलनयन बजाज, लोक-सभा सदस्य।

11. श्रीमती रुक्मणी देवी अरुणडेल, अध्यक्ष, पशु कल्याण बोर्ड, गांधी नगर, मद्रास-20 ।
12. श्री जी० आर० रामगोपाल, उपाध्यक्ष, पशु कल्याण बोर्ड, सी-53, साऊथ एक्सटेंशन-पार्ट-1, नई दिल्ली ।
13. श्री जे० एन० नानकर, अवैतनिक सचिव, बम्बई लुमीटेरीयन लीग, 149, सराफ बाजार, बम्बई ।
14. श्री बी० एन० द्विवेदी, निदेशक, आयुर्वेदिक, अध्ययन तथा अनुसंधान संस्था, जामनगर ।

(संख्या 19-2167-एल डी० 3)

सन्तोख सिंह, अव्वर सचिव ।

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 16th April 1968

S.O. 1452.—The following draft of rules further to amend the Cotton Grading and Marking Rules, 1962 which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 30th April, 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the aforesaid date, will be considered by the Central Government.

Draft Rules

1. These rules may be called the Cotton Grading and Marking (Amendment) Rules, 1968.
2. In Schedule I to the Cotton Grading and Marking Rules, 1962,
 - (a) in the entries against item I, "Maharashtra" under the heading "Varieties" after the existing entries, the following entries shall be inserted, namely:—
 - "13. Sanjay.
 14. Laxmi."
 - (b) in the entries against item IV, "Gujarat", under the heading "Varieties" after the existing entries, the following entries shall be inserted; namely:—
 - "9 V. 797".

[No. 13-7/68-LA.]

V. S. NIGAM, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Directorate General of Shipping)

MERCHANT SHIPPING

Bombay, the 19th April 1968

S.O. 1453.—In exercise of the powers conferred by sub-section (3) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), read with the notification of the

Government of India in the Ministry of Transport and Shipping No. S.O. 612, dated the 12th February, 1968, the Director General of Shipping, with the previous approval of the Central Government, hereby directs that the power exercisable by him under or in relation to sub-section (2) of section 299A of the said Act shall be exercisable with immediate effect also by the Principal Officer of the Mercantile Marine Department of the district concerned, or, in his absence, by the surveyor who carries out his duties.

[No. 9-SL(1)/67.]

K. C. MADAPPA,
Director General of Shipping.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 20th March 1968

S.O. 1454.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and, sub-rule (1) of rule 24, read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. SRO 620 dated the 28th February, 1957, namely :—

In the Schedule to the said Notification in Part II—General Central Service, Class III.

(1) under the heading “Office of the General Manager, Posts and Telegraphs Workshops” for the entries against the entry “Office Superintendent” in column 1, the following entries shall be substituted, namely :—

1	2	3	4
Deputy General Manager, Posts and Telegraphs Workshops.	Dy. General Manager, Posts and Telegraphs Workshops.	All	General Manager, Posts and Telegraphs Workshops.

(2) Under the heading “Office of Managers, Telegraphs/Telephones Workshops” and above the existing entries the following entries shall be inserted, namely :—

2	3	4	5
Office Superintendent	Manager, Workshops.	Manager, Workshops.	All
			General Manager, Posts and Telegraphs Workshops.

[No. 2-6/62 WK.]

O. P. SHARMA,
Asstt. Director General (SPN).

(P. and T. Board)

New Delhi, the 17th April 1968

S.O. 1455.—In pursuance of Para (2) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 3th March, 1960 the Director General, Posts and Telegraphs, hereby specifies the 16th May, 1968 as

the date on which the Measured Rate System will be introduced in Bulsar Telephone Exchange.

[No. 5-30/68-PHB(7).]

D. R. BAHL,

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 17 अप्रैल 1968

एस० ओ० 1456.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महा निदेशक ने बुलसर टेलीफोन केन्द्र में 18-5-68 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5/30/68-पी०एच०बी०(7).]

डी० आर० बहल, महाप्रक महा निदेशक (पी०एच०बी०)।

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 17th April 1968

S.O. 1437.—In exercise of the powers conferred by clause (1) of Sub-Section (1) of Section 57 of the Delhi Development Act, 1957 (61 of 1957) read with Clause (j) of that Sub-section, the Delhi Development Authority, with the previous approval of the Central Government hereby makes the following regulations; namely:—

CHAPTER I.—General.

1. Short Title, Application and Commencement.—(1) These regulations may be called the Delhi Development Authority (Management and Disposal of Housing Estates) Regulations, 1968.

(2) These regulations shall apply to those schemes in which built up properties are to be disposed of by way of sale or hire-purchase.

(3) These regulations shall come into force immediately on the date of their publication in the official gazette.

2. Definition.—In these regulations, unless there is anything inconsistent with the context or meaning:—

(1) "Act" means the Delhi Development Act, 1957 (No. 61 of 1957);

(2) "Agency Agreement" means an agreement between the Authority and the registered agency in regard to common portions and common services;

(3) "Allotment Letter" means a letter in such form as may be prescribed by the Authority from time to time making allotment of a particular property to an applicant;

(4) "Allottee" means a person to whom a property has been allotted by way of sale.

(5) "Applicant" means a person who has sent an application putting his signature or affixing his thumb impression thereon;

(6) "Application" means an application made in such form as may be prescribed by the Authority from time to time;

(7) "Application Register" means a register in which application in response to public notice are entered in the order in which they have been received.

(8) "Authority" means the Delhi Development Authority constituted under Section 3 of the Act.

(9) "Common Portions" means those portions of the plot or premises which are in common use and includes the land, gateway, enclosure, compound walls, parks, open ground, passages, corridors, stair-cases, fitting, fixture, lift, if any, any installation whether for water supply or drainage or lighting or any other purpose and all such facilities which are used or intended to be used in common;

(10) "Common Services" in relation to common portions means the services which are rendered for maintenance, running, keeping in good condition and control those common portions, use whereof shall be regulated by the registered agency concerned;

(11) "Conveyance Deed" means an agreement in the prescribed form between the Authority and the allottee or hirer or the registered agency, as the case may be by which the title in the property is transferred to the allottee or hirer or the registered agency on the terms and conditions specified in the said agreement;

(12) "Deposit" means the initial amount payable by an applicant along with his application for securing a property which shall be non-interest bearing;

(13) "Disposal Price" or "Hire Purchase Price" in relation to a property means such price as may be fixed by the Authority for such property;

(14) "Documental Charges" in relation to a document or documents made in pursuance of these regulations means all charges such as stamp charges, registration charges, writing charges, printing charges and plan charges;

(15) "Dwelling Unit" means a building or a part thereof which is used or is intended to be used by a family for habitation;

(16) "Eligible Person" means a person who is entitled to the purchase of a property in accordance with the provisions of the Scheme and these regulations.

(17) "Flat" means a portion of building, which can be delineated with definite outline on plan and which can be definitely marked on site, and which is a dwelling unit;

(18) "Ground Rent" in relation to a plot of land means the annual payment to be made by the lessee of the plot to the Authority as lessor;

(19) "Hire-purchase Period" means such period as may be specified for continuance of a tenancy;

(20) "Hirer" means a person who has participated in the hire-purchase system and who has signed the Hire-purchase Tenancy Agreement;

(21) "Hire-purchase" or "Hire-purchase System" means a system in which a participant takes step to secure rights in a property under a scheme by payment of deposit and also a specified number of monthly instalments spread over a specified number of years, during which he remains a tenant on the terms and conditions set for the purpose and on the expiry of the said years ceases to be a tenant and becomes owner after payment of all dues.

(22) "Hire-purchase Tenancy Agreement" means an agreement between the Authority and the Participant in the form prescribed in these regulations for disposal of property under the Hire-purchase system;

(23) "Housing Estate" means a group of houses built by the Authority for dwelling purposes and may comprise all or any of the following; namely :—

- (a) dwelling units;
- (b) land under and appurtenant to such dwelling units;
- (c) roads and paths, sewers, storm water drains, water supply and ancillary installations, street lighting and other similar amenities;
- (d) open spaces intended for recreation and ventilation;
- (e) convenient shopping, school, community hall or other amenity for common use.

(24) "Nominee" means a person who has been nominated by the hirer to be the hirer to be the person to whom rights and liabilities in the property shall be passed on in the event of his demise or similar contingencies;

(25) "Penalty" means an additional amount as laid down in the relevant agreement payable by the allottee or hirer as a consequence of his default in the payment of prescribed dues;

(26) "Property" means a plot of land, a dwelling unit, a flat or other structure whether grouped under the scheme of the Authority or otherwise, and includes common portions and common services;

(27) "Property Allotment Committee" means a committee constituted under these regulations;

(28) "Property Circumstances" includes the nature and condition of the building and premises, the type and the nature of construction, specification adopted therefor, material used, and the workmanship, stability or durability of the structures, the type of accommodation, pattern of installation, fittings, fixtures and other amenities and all such other things that constituted the property as they exist in the building or premises concerned;

(29) "Registered Agency" means a body registered under these regulations for carrying out the provisions of these regulations and agreement made thereunder relating to common portions and common services;

(30) "Scheme" means a scheme prepared by the Authority for the creation of one or more Housing Estates;

(31) "Service Charges" means the amount which the allottee or hirer has to pay as a monthly charge for the maintenance of common portions and common services;

(32) "Tenancy Stipulations" in relations to a hirer means the stipulations for the tenancy prescribed under these regulations;

(33) "Vice-Chairman" means the Vice-Chairman of the Authority.

CHAPTER II— *Terms and Conditions of Disposal of Property*

3. Administration of Regulations—Delegation of Powers.—These regulations shall be administered by the Vice-Chairman, subject to general guidance and resolutions of the Authority, who may delegate his powers to any officer of the Authority.

4. Execution of Agreements.—All agreements made under these regulations shall be executed on behalf of the Authority by the Vice-Chairman or such officer as may be authorised by him in this behalf.

5. Disposal of Property.—The disposal of a property shall be effected by either hire-purchase or sale or in such other manner and subject to such terms and conditions as may be decided by the Authority from time to time.

6. Fixation of Price.—The hire-purchase price or the disposal price, as the case may be, shall be such price, as may be determined by the Authority.

7. Eligibility of Allotment.—A dwelling unit or flat in the Housing Estates of the Authority shall be allotted only to such person who or his wife/her husband or any of his/her dependent relations including unmarried children does not own in full or in part on free hold or lease hold basis a residential plot or house in the urban area of Delhi, New Delhi and Delhi Cantonment.

8. Manner of Payment of Disposal Price.—(1) When a property is disposed of by sale, every applicant shall deposit a sum equal to 20 per centum of the disposal price of the property rounded to the next hundred alongwith the application. Such deposit shall be non-interest bearing.

(2) An applicant to whom the property has been allotted shall have to pay the balance amount of the disposal price (i.e. after adjusting the deposit) within such period as may be specified in the allotment letter.

(3) If the applicant fails to pay the amount within the said specified period, the allotment shall be cancelled and a sum of money equal to 20 per centum of the deposit shall be forfeited and the balance refunded.

(4) In the case of such applicants as have not been allotted any property, the deposit specified in sub-Regulation (1) shall be refunded.

(5) The Authority shall have the sole and exclusive right over the deposit till it is adjusted or refunded with or without deduction as provided in these regulations.

9. Manner of payment of Hire Purchase Price.—(1) The hire-purchase deposit shall be a sum equal to 30 per centum of the hire-purchase price of the property rounded to the next hundred. Such deposit shall be non-interest bearing and shall be payable along with the application. Such deposit shall be adjusted after the expiry of the hire-purchase period at the time of execution of the Conveyance Deed.

(2) In the case of such applicants as have not been allotted any property, the said deposit shall be refunded.

(3) In the case of such applicants to whom allotment letters have been issued and who have failed to fulfil the requirements as specified in the allotment letter, a sum equal to 20 per centum of the deposit shall be forfeited and the balance refunded.

(4) The Authority shall have the sole and exclusive right over the hire-purchase deposit and till such time it is adjusted on the execution of the Conveyance deed or refunded with or without deduction as provided in these regulations and the agreements made thereunder.

10. Period of Hire-Purchase.—Unless otherwise specified by the Authority, the hire-purchase period shall be 15 years.

11. Monthly Tenancy.—Subject to the provisions of Regulation 10, the balance hire-purchase price of the property including interest thereon at such rate as may be prescribed by the Authority shall be recovered in 180 monthly instalments, the amount whereof shall be fixed by the Vice-Chairman in every case.

"Provided that on receipt of an application from the hirer, the Vice-Chairman may permit the payment of the hire-purchase price outstanding on the date of such application together with interest or other dues if any to be made in lump sum.

Provided further that where a hirer is permitted to pay the hire-purchase price as aforesaid in lump sum, he shall not mortgage transfer or part with the possession of the property till the expiry of hire-purchase period otherwise than with the prior permission of the Authority".

12. Allottee/Hirer to enrol as a member of Registered Agency.—Every allottee or hirer shall enrol himself as a member of the registered agency which shall be registered as provided in these regulations.

13. No allottee or hirer shall be entitled to the delivery of possession of the property unless such allottee or hirer has enrolled himself as a member of the registered agency.

14. Use of Property.—The property thus allotted shall be used for such purpose only as may be specified in the Conveyance Deed/Hire-purchase Tenancy Agreement.

15. Payment of Documental Charges.—All documental charges shall be borne by the allottee or hirer.

16. Functions of Registered Agency.—The Registered Agency shall be responsible at its own cost for carrying out current as well as special repairs to and maintenance of the common portions and common services to the satisfaction of the Authority and in accordance with the provisions of the relevant agreement:—

Provided that in the case of failure in the discharge of such responsibility on the part of the Registered Agency, the Authority may discharge it and the expenses thus incurred by the Authority (whose decision as to the amount of such expenses shall be binding on the Agency) shall be recoverable as arrears of land revenue.

17. Payment of Rates, Fees etc.—All rates, fees, taxes, charges, assessments Municipal or otherwise and other levies of whatsoever nature shall be borne by the allottee, hirer or the Registered Agency, as the case may be, and shall be payable by the allottee, hirer or the Registered Agency within the period specified in this behalf :—

Provided that in every case of failure on the part of the allottee, hirer or the Registered Agency to make such payment, the Authority shall have the power to recover the dues as arrears of land revenue.

18. Payment of charges for maintenance of Roads etc.—The allottee, hirer or the Registered Agency shall be liable to pay such charges, if any, incurred by the Authority on the maintenance of roads, water supply, drainage, street lighting and other civic services within a Housing Estate.

19. Allottee/Hirer precluded from objecting to Property circumstances.—The Authority shall offer the property on hire-purchase or sale on the basis of property circumstances that exist at the time. The allottee or hirer shall fully make himself conversant with the property circumstances and he shall be precluded from making complaint or raising objections or setting up claims regarding the property circumstances at any subsequent stage.

20. Administration of common portions/services by the Registered Agency.—The Registered Agency shall be responsible for the maintenance, up-keep, running, control and regulation for use of common portions and common services of each block in a Housing Estate and it shall be the duty of such agency to administer these common portions and common services in accordance with the provisions of the relevant agreement. The allottee/hirer shall be liable to pay to the Registered Agency, the charges for the purpose as decided by the Authority. In case of failure on the part of allottee/hirer to make such payment, the Authority shall have the power to recover such amount as arrear of land revenue.

CHAPTER III—*Procedure for Disposal of Property*

21. Issue of Public Notice.—The Vice-Chairman or the officer authorised by him in this behalf shall cause a public notice to be issued, in the manner prescribed under section 44 of the Act, inviting applications for the allotment of property.

22. Form of Application.—The application shall be made in the prescribed form

23. Entry of Application in Register.—All applications as received shall be entered serially in the application register.

24. Application to be acknowledged.—The person receiving the application shall give an acknowledgement of the application.

25. Rejection of Invalid Applications.—Any application which is incomplete in any respect is liable to be rejected as invalid.

26. Constitution of Property Allotment Committee.—The Authority shall for the purpose of allotment of property under these regulations constitute a committee to be called the Property Allotment Committee (hereinafter called the committee) consisting of not more than 5 persons including the Vice-Chairman who shall be the Presiding Officer of the Committee.

27. Scrutiny of Applications.—The committee shall determine which of the applicants are eligible for allotment and the decision of the committee in this regard shall be final.

28. Draw of Lots.—The allotment of property to eligible applicants shall be made by draw of lots under the supervision of the committee. Where the number of eligible applicants exceed the number of properties, lots shall be drawn to the extent of the number of properties available plus 25 per centum thereof to serve as a waiting list.

29. Formation of Groups of Allottees.—The committee shall thereafter prepare a final list of allottees/hirers and shall place them in such group or groups as may be desired expedient for the purpose of constituting a Registered Agency.

30. Entry of Final List of Allottees in a Register.—On the basis of final list of allottees/hirers drawn by the Committee, an allotment register shall be prepared

in which names and other particulars of allottees/hirers shall be entered. The names of the persons on the waiting list shall be entered in a separate section of the same register in the order in which their name appears in the draw of lots.

31. Intimation about Allotment.—Intimation about allotment shall be sent to all persons selected for allotment whose names have been entered in the allotment register.

32. Allotment from Waiting List.—In the event of a persons or persons not accepting an offer of allotment, the property shall be allotted to the person or persons on the waiting list in the order specified in such list.

33. Intimation about Grouping of Allottees/Hirers.—Intimation about allotment mentioned in Regulation Nos. 31 and 32 shall include the grouping of allottees/hirers for the purpose of formation of Registered Agency as determined by the Committee.

34. Powers to decide representations.—The Committee shall have full powers to decide representations, if any in regard to the selection of applicants for allotment of property.

35. Execution of Agreements.—(1) Each one of the hirers forming a Registered Agency shall execute a hire-purchase Agreement in such form as may be prescribed by the Authority. The Registered Agency of which such hirer is a member shall also execute an agreement in such form as may be prescribed by the Authority in regard to common portions and common services.

(2) Every hirer shall before executing the said agreement pay to the Authority the instalment of the price as provided in regulation 11.

36. Handing over of possession of Property (Hire-Purchase).—(1) The possession of the property shall be handed over to the hirer on the completion of the following events :—

- (a) The hirer has paid the first instalment and such other dues as shall have been demanded by the Authority.
- (b) The hirer has executed the agreement mentioned in Regulation No. 35.
- (c) The Registered Agency of which the hirer is a member has been duly registered in the manner prescribed by regulation 41 such agency has executed an agreement with the Authority as provided in Regulation No. 35.

(2) The possession of the common portions and common services shall be handed over to the Registered Agency after such agency has executed the agreement prescribed in Regulation No. 35.

37. Handing of possession of Property (Sale).—When the property is disposed of by way of sale, the possession of the property shall be handed over to the allottee, after such allottee has made the required payments and the possession of common portions and common services in the Housing Estate shall be handed over to the Registered Agency of which such allottee is a member, after such agency has been duly registered and the agreement with regard to common portions and common services has been executed as prescribed in Regulation No. 55.

CHAPTER IV—Registered Agency

38. Formation and functions of Registered Agency.—All persons who have been allotted a property in a group of a Housing Estate as determined by Regulation No. 29 shall constitute themselves into a Registered Agency (hereinafter called agency) under these regulations which shall include as its objects the following :—

- (i) To discharge such duties and responsibilities as are specified in these regulations and the agreements made thereunder for the proper maintenance, running, up-keep and keeping in good repair common portions and common services of such property as have been allotted to its constituent members.
- (ii) To pay on behalf of the Agency and on behalf of each constituent member of such Agency all rates, taxes, fees charges, assessments municipal or otherwise and other levies of whatsoever nature as provided in these regulations and agreements executed with the Authority.

(iii) To look after the interest of constituent members.

(iv) To execute with the Authority agreements, lease-deed or other documents as specified in these regulations.

39. Constitution of Registered Agency.—The constitution of the Agency and the bye-law governing its functioning shall be such as may be approved by the Authority.

40. Application for Registration.—Every such agency shall make an application to the Vice-Chairman for registration under these regulations.

41. Registration of Agency.—The Vice-Chairman, after he is satisfied himself that the constitution of the Agency is in consonance of these regulations, shall register such agency and issue a certificate of registration to the Agency and a certificate of membership to each constituent member of the agency.

Further, if so directed by the Vice-Chairman, the agency shall get itself registered under the Societies Registration Act, 1860 within such period as may be prescribed by the Vice-Chairman.

42. Execution of Documents by Agency.—No hire-purchase agreement, lease-deed, or other documents shall be executed with the Agency until the requirements of Regulation No. 41 have been completed.

43. Election of Managing Committee.—The Vice-Chairman shall, as soon as may be, call a meeting of the Agency for electing a President, Vice-President, Secretary, Treasurer and one member who shall together constitute the Managing Committee of the Agency.

44. Time limit for Execution of Agreement.—The Agency shall within such period as may be prescribed by the Vice-Chairman execute the agreement in regard to common portions and common services with the Authority.

45. Responsibility of Registered Agency about Services.—The Agency and each of its constituent members shall be responsible for ensuring that:—

- (a) no damage or deterioration to the property handed over in terms of the agreement under these regulations is caused;
- (b) no installation or equipment connected with or provided as part of water supply, sewerage, storm water drainage, electricity or other service shall be tempered with;
- (c) no construction within the property shall be made otherwise than with the prior sanction of the competent local authority;
- (d) no obstruction to a person duly authorised shall be caused so as to create difficulties in the discharge of his duties in connection with the matters arising out of the management of property; and
- (e) no obstruction to common portions shall be caused or misuse of the property shall be made such as the following namely—
 - (i) occupying common passages, staircases, approaches and the like;
 - (ii) throwing garbage or refuse within the precincts of the property or outside it;
 - (iii) keeping a vehicle so as to obstruct the free movement; and
 - (iv) creating insanitation or nuisance.

46. Liability of Constituent Member.—The liability of each constituent member shall be limited to the liability prescribed in the constitution of the Agency as laid down in these regulations.

47. Control by the Vice-Chairman over the Affairs of the Agency.—The Vice-Chairman as the registering Authority shall have the power to—

(1) call for information from the Managing Committee or any constituent member of the Agency in connection with the—

- (i) affairs of the Agency;
- (ii) management of the housing estate; and
- (iii) relations between a constituent member and the Agency.

(2) Call an extra meeting of the Managing Committee or of the general body of the Agency, if in his opinion, such a meeting is necessary or desirable;

(3) inspect on a complaint being made such record and accounts of the Agency as he may deem fit;

(4) issue any directive for securing the efficient functioning of the affairs of the Agency or management of the Housing Estate, as the case may be, which shall be binding on the Agency; and

(5) revoke the registration of the Agency for good and sufficient reasons.

48. Where the registration of an Agency has been revoked in pursuance of sub-regulation (5) of regulation 47, the Vice-Chairman may either direct the formation of a new registered agency or take over functioning of the registered agency himself.

49. **Recovery of Dues.**—Any dues payable to the Authority by the Agency or its constituent members shall be recovered by the Authority as arrears of land revenue.

50. **Settlement of Disputes.**—If any dispute or difference of opinion arises between the President of the Managing Committee or the Managing Committee and a constituent member or amongst members themselves or between any party connected with the property by which the Agency and the constituent members are concerned in terms of agreements with the Authority, such dispute or difference of opinion shall be decided by the Vice-Chairman after hearing the parties concerned.

CHAPTER V—*Hire-Purchase Tenancy and Transfer of Ownership*

51. **Status of Hirer.**—During the Hire-purchase period, a hirer shall remain the tenant of the Authority and shall have no other rights except that of tenancy.

52. **Hirer to Abide by Tenancy Stipulations.**—During such period as a hirer remains to tenant, he shall abide by the tenancy stipulations as specified in the Hire-purchase Agreement.

53. **Enforcement of provisions of agreement.**—If the hirer or the Registered Agency, as the case may be fails to do a thing or refrain from doing thing as required by the agreement executed under these regulations, the Authority shall have the power to get such things done or prevent such things being done at the risk and cost of the defaulting party.

54. **Transfer of Ownership to Hirer.**—The hirer shall cease to be a tenant and shall be the owner of the property only after the last instalment of hire-purchase and all other dues have been paid by him to the Authority and the transfer of the property to him has been effected through a Conveyance deed executed in such form as may be prescribed by the Authority and the common portions and common services have been transferred to the Agency through a Conveyance Deed executed in such form as may be prescribed by the Authority.

55. **Transfer of Ownership to Allottee.**—When the property is disposed of by way of sale, the allottee shall become the owner only after the full disposal price and all other dues have been paid by him to the Authority and the transfer of the property has been effected through a Conveyance Deed executed in such form as may be prescribed by the Authority and the common portions and common services have been transferred to the Agency through a Conveyance Deed executed in such form as may be prescribed by the Authority.

56. **Lease Deed for Land under Flats.**—(1) The land under/and appurtenant to a property shall be allotted on perpetual lease hold basis jointly to the Registered Agency and the owners of property on such terms and conditions as may be determined by the Authority.

(2) A lease deed for the land specified in sub-regulation (1) shall be drawn up and executed in such form as may be prescribed by the Authority.

57. **Transfer of common services to Local Authority.**—When an "Housing Estate" has been developed by the Authority, the Authority may require the local authority

within whose limits such "Housing Estate" is situated, to assume responsibility for the maintenance of all or any of the following amenities, namely :—

(a) roads and paths, sewers, storm water drains, water supply and ancillary installations, street lighting and other similar amenities;

(b) open spaces intended for recreation and ventilation;

(c) convenient shopping, school, community hall or other amenity for common use and enjoyment on such terms and conditions as may be agreed upon between the Authority and that local authority.

58. Federation of Registered Agencies.—Whenever the Authority considers it necessary or expedient, it may direct all Registered Agencies in a Housing Estate to form a federation of such Registered Agencies for securing the management, up-keep and running of common amenities, where such amenities shall not have been transferred to the local authority.

59. Decision of the Authority to be final in disputes.—If in or in connection with the exercise of its powers and discharge of its functions by the Authority, any dispute arises between the Authority and the Registered Agency, the allottee or the hirer, the decision of the Authority on such dispute shall be final.

60. The Authority may delegate all or any its powers under these regulations to the Vice-Chairman or to a whole time member.

[No. F.1(22)/68-GA.]

M. L. MONGIA, Secy,
Delhi Development Authority,
New Delhi.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 11th April 1968

S.O. 1458.—In pursuance of sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, and sub-rule (i) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Irrigation and Power, No. S.R.O. 617, dated the 28th February, 1957, namely :—

In the Schedule to the said notification,

(1) in Part I—General Central Service, Class II,

(a) for the entries, under the heading "Farakka Barrage Control Circle," the following entries shall be substituted, namely :—

1	2	3	4	5
All posts	Commissioner, (Ganga Basin), Ministry of Irrigation and Power.	Commissioner, (Ganga Basin), Ministry of Irrigation and Power.	All	..

(b) for the entries, under the heading "Ganga Discharge Circle", the following entries shall be substituted, namely :—

All posts	Commissioner, (Ganga Basin), Ministry of Irrigation and Power.	Commissioner, (Ganga Basin), Ministry of Irrigation and Power.	All	..
-----------	--	--	-----	----

(2) in Part II—General Central Service, Class III,

(a) for the entries, under the heading "Farakka Barrage Control Board", the following entries shall be substituted namely :—

1	2	3	4	5
All posts	Secretary, Farakka Barrage Control Board.	Secretary, Farakka Barrage Control Board.	All	Commissioner, (Ganga Basin), Ministry of Irrigation and Power.

(b) for the entries under the heading "Ganga Discharge Circle including Circle and Division Offices", the following entries shall be substituted, namely :—

Head Draftsman, Superintendent and Head Clerk	Commissioner, (Ganga Basin), Ministry of Irriga- tion and Power.	Commissioner, (Ganga Basin), Ministry of Irriga- tion and Power.	All	Secretary, Ministry of Irrigation and [Power.]
All other posts	Superintending Engineer, Ganga Discharge Circle	Superintending Engineer, Ganga Discharge Circle.]	All	Commissioner, (Ganga Basin), Ministry of Irriga- tion and Power.

(3) in Part III—General Central Service Class IV,

(a) for the entries, under the heading "Farakka Barrage Control Board", the following entries shall be substituted, namely :—

All posts	Secretary, Farakka Barrage Control Board.	Secretary, Farakka Barrage Control Board.	All	Commissioner, (Ganga Basin), Ministry of Irriga- tion and Power.
-----------	---	---	-----	---

(b) for the entries, under the heading "Ganga Discharge Circle, Circle Offices", the following entries shall be substituted, namely :—

All Posts	Superintending Engineer, Ganga Discharge Circle.	Superintending Engineer, Ganga Discharge Circle.	All	Commissioner, (Ganga Basin), Ministry of Irriga- tion and Power.
-----------	--	--	-----	---

[No. 10/4/68-Vig.]

G. K. DOGRA, Dy. Secy.

ORDERS

New Delhi, the 22nd March 1968

S.O. 1459.—In exercise of the power conferred by Sub-Rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rules 118(c),
- (iv) Rule 130, and
- (v) Rule 123(7),

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electrical Excavator, Model EKG-4.6 serial No. 462.

- (1) One 100 amps. 3.3 KV oil circuit breaker made in U.S.S.R. Type 2 KB 3, 6 MT Serial No. 9406.
- (2) One 250 H.P., 3.3 KV U.S.S.R. make 3 phase, A.C. Motor, Serial No. 756.
- (3) One 30 KVA, 3.3 KV/230 volts, 3 phase star/star transformer neutral of 230 volts insulated, Type TME-30/6T, Serial No. 13425.
- (4) One length of 230 metres, four core, 3×50 and 1×16 m.m. sqr. ground conductor not armoured individually screened of sufficient current capacity in keeping with the rating of the equipments installed in the shovel made in U.S.S.R. Russian standard code 9388-60, flexible trailing cable use at a pressure of 3300 volts receiving supply from one 100 amps oil circuit breaker, Serial No. 9406.

in the open cast Mine at Manikpur Colliery of Messrs. National Coal Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 30 KVA 3.3 KV/230 volts 3 phase star/star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 118(c), the 125 volts system of supply intended for use for lighting purposes within the shovel from 30 KVA, 3.3 KV/230 volts 3 phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c), the 125 volts system of supply is specially considered and may be used, (4) in relaxation of Rule 130, the neutral point of 30 KVA, 3.3 KV/230 volts, 3 phase transformer may remain insulated and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 230 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any Electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pilable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Deputy Director of Mines Safety (Electrical).

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical) as soon as the machine is taken out of the mine.

S.O. 1460.—In exercise of the power conferred by Sub-Rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a);
- (ii) Rule 119(1)(a);
- (iii) Rule 118(c);
- (iv) Rule 130; and
- (v) Rule 123(7).

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electrical Excavator, Model EKG-4.6 serial No. 463 :

- (1) One 100 amps. 3.3 KV oil circuit breaker made in U.S.S.R. Type 2 KB 3.6 MT Serial No. 9405.
- (2) One 250 H.P. 3.3 KV U.S.S.R. made 3 phase, A.C. Motor Serial No. 641.
- (3) One 30 KVA, 3.3 KV/230 volts, 3 phase star/star transformer neutral of 230 volts insulated, Type TME-30/6T Serial No. 13363.
- (4) One length of 230 metres, four core, 3×50 and 1×16 m.m. sq. ground conductor not armoured individually screened of sufficient current capacity in keeping with the rating of the equipments installed in the shovel made in U.S.S.R. Russian standard code 9388-60 flexible trailing cable used at a pressure of 3300 volts receiving supply from one 100 amps oil circuit breaker, Serial No. 9405.

in the open cast Mine at Manikpur Colliery of M/s. National Coal Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 300 KVA 3.3 KV/230 volts 3 phase star/star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 118(c) the 125 volts system of supply intended for use for lighting purposes within the shovel from 30 KVA, 3.3 KV/230 volts 3 phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c), the 125 volts system of supply is specially considered and may be used, (4) in relaxation of Rule 130, the neutral point of 30 KVA, 3.3 KV/230 volts, 3 phase transformer may remain insulated and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 230 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:—

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any Electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.

- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Deputy Director of Mines Safety (Electrical).

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical) as soon as the machine is taken out of the mine.

[No. EL. II.6(3)/65.]

New Delhi, the 19th April 1968

S.O. 1461.—In exercise of the power conferred by Sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a);
- (iii) Rule 118(c);
- (iv) Rule 130; and
- (v) Rule 123(7).

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electrical Excavator, Model EKG-4.6, Serial No. 450.

- (1) One 100 amps, 3.3 KV oil circuit breaker made in U.S.S.R., type 2 KB 3, 6 MT, Serial No. 9467.
- (2) One 250 H.P., 3.3 KV, U.S.S.R. make, 3 phase, A.C. Motor, Serial No. 656.
- (3) One 30 KVA, 3.3 KV/230 volts, 3 phase star/star transformer neutral of 230 volts insulated, type TME-30/6T, Serial No. 13302.
- (4) One length of 230 metres, four core, 3×50 and 1×16 m.m. sq. ground conductor not armoured individually screened of sufficient current capacity in keeping with the rating of the equipments installed in the shovel made in U.S.S.R. Russian standard code 9388-60 flexible trailing cable used at a pressure of 3300 volts receiving supply from one 100 amps oil circuit breaker, Serial No. 9467.

in the open cast Mine at Manikpur Colliery of M/s. National Coal Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 30 KV 3.3 KV/230 volts, 3 phase star/star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 118(c), the 125 volts system of supply intended for use for lighting purposes within the shovel from 30 KVA, 3.3 KV/230 volts 3 phase transformer the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c) the 125 volts system of supply is specially considered and may be used, (4) in relaxation of Rule 130, the neutral point 30 KVA, 3.3 KV/230 volts, 3 phase transformer may remain insulated and (5) in relaxation of Rule 123(7),

the flexible cable not exceeding 230 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions :—

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Deputy Director of Mines Safety (Electrical).

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical) as soon as the machine is taken out of the mine.

[No. EL. II-6(3)/65.]

S.O. 1462.—In exercise of the power conferred by Sub-Rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a);
- (iii) Rule 118(c);
- (iv) Rule 130; and
- (v) Rule 123(7).

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electrical Excavator, Model EKG-4.6, Serial No. 448.

- (1) One 100 amps, 3.3 KV oil circuit breaker made in U.S.S.R., type 2 KB 3, 6 MT, Serial No. 9408.
- (2) One 250 H.P., 3.3 KV, U.S.S.R. make, 3 phase, A.C. Motor, Serial No. 810.
- (3) One 30 KVA, 3.3 KV/230 volts, 3 phase star/star transformer neutral of 230 volts insulated, type TME-30/6T, Serial No. 13305.

- (4) One length of 230 metres, four core, 3×50 and 1×16 m.m. sqr. ground conductor not armoured individually screened of sufficient current capacity in keeping with the rating of the equipments installed in the shovel made in U.S.S.R. Russian standard code 9388-60 flexible trailing cable used at a pressure of 3300 volts receiving supply from one 100 amps oil circuit breaker, Serial No. 9408.

in the open cast Mine at Manikpur Colliery of M/s. National Coal Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of Rule 119(1)(a), one 30 KVA 3.3 KV/230 volts, 3 phase star/star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of Rule 118(c), the 125 volts system of supply intended for use for lighting purposes within the shovel from 30 KVA. 3.3 KV/230 volts 3 phase transformer the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c), the 125 volts system of supply is specially considered and may be used, (4) in relaxation of Rule 130, the neutral point of 30 KVA, 3.3 KV/230 volts, 3 phase transformer may remain insulated and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 230 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:—

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
- (3) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115—117, 121, 124 and 125.
- (4) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (5) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (6) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
- (7) The unarmoured flexible cable supplied by the manufacturers shall be replaced by pilable armoured flexible cable of adequate current carrying capacity at an early date under intimation to the Central Government through the Deputy Director of Mines Safety (Electrical).

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical) as soon as the machine is taken out of the mine.

[No. EL. II-6(3)/65.]

M. RAMANATHAN,
Deputy Director (Power).

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 6th April 1968

S.O. 1463.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to the posts of Subordinate Accounts Service Accountant in the Small Scale Industries Organisation under the Ministry of Industrial Development and Company Affairs (Department of Industrial Development), namely:—

1. **Short Title and commencement.**—(1) These rules may be called the Small Scale Industries Organisation (Subordinate Accounts Service Accountant) Recruitment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Number of posts, Classification, Scales of pay etc.**—The number of the post, the Classification, the scale of pay attached thereto, the method of recruitment to the said post, age limit and other matters relating to the said post shall be as specified in columns 2 to 13 of the Schedule hereto annexed:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of persons belonging to Scheduled Castes, Scheduled Tribes, and other special categories of persons in accordance with the general orders issued by the Central Government from time to time.

3. **Disqualification.**—(a) No person who has more than one wife living or who, having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the said post; and

(b) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to the said post.

Provided that the Central Government may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

4. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to the class or category of persons or posts.

SCHEDULE

Name of Post	No. of posts	Classification	Scale of Pay	Whether selection post or Non-selection post	Age limit for direct recruitment	Educational and other qualifications required	Whether age and educational qualifications prescribed for the direct recruitment will apply in case of promotees	Period of Probation	Method of recruitment whether by direct recruitment or by promotion or by deputation transfer and percentage of vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer from which promotion to be made	If a DPC exists what is its composition.	Circumstances in which U.P.S.C. is to be consulted in making recruitment
I	2	3	4	5	6	7	8	9	10	11	12	13
Subordinate Accounts Service Accountant	16	General Central Service Class III Non-Gazetted Ministerial	Rs. 270—15—435 —EB—20—575	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	By transfer on deputation of suitable subordinate Accounts Service Accountant, failing which Subordinate Accounts Service.	Not applicable.	Not applicable.	Not applicable.
									Examination passed Upper Division Clerks with five years service in the grade from any of the organised Accounts Departments, viz. Indian Audit & Accounts Deptt.,			

Indian Defence
Accounts Department,
Indian Railway
Accounts Department.
Period of deputation
ordinarily,
not exceeding 3
years.

[No. F. 4 (50)/67-SSI(C)].

S.O. 1464.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to Class III (Non-Ministerial) posts in the Small Scale Industries Organisation under the Ministry of Industrial Development and Company Affairs (Department of Industrial Development), namely:—

1. Short Title and commencement.—(1) These rules may be called the Small Scale Industries Organisation [Class III (Non-Ministerial) Posts] Recruitment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.—These rules shall apply to the posts specified in column 1 of the Schedule hereto annexed.

3. Number of posts, Classification, Scales of Pay etc.—The number of the said posts, their Classification, the scales of pay attached thereto, the method of recruitment to the said posts, age limit and other matters relating to the said posts shall be as specified in columns 2 to 13 of the said Schedule.

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of persons, belonging to Scheduled Castes, Scheduled Tribes, and other special categories of persons in accordance with the general orders issued by the Central Government from time to time.

4. Disqualification.—(a) No person, who has more than one wife living or who having a spouse living marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any of the said posts; and

(b) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

5. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.

SCHEDULE

Name of Post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post.	Age limit for direct recruitment.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for the direct recruits, will apply in the case of Promotees.	Period of probation if any	Method of recruitment whether by direct rectt. or by promotion or transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/transfer grades from which promotion to be made.	If a D.P.C. exists what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment.
1	2	3	4	5	6	7	8	9	10	11	12	13
I. Electric Typewriter Operator	2	General Central Service Class III Non-gazetted Non-ministerial	130—5—160 8—200— EB—8—256 EB—8—280 10—300.	Not applicable]	Below 25 yrs.	(a) Matriculation. (b) Proficiency in English/Hindi. (c) Minimum accurate typing speed of fifty words per minute in English/forty words per minute in Hindi. (d) Two years experience in typing on electric typewriter (English/Hindi).	Not applicable	Two years.	By direct recruitment.	Not applicable.	Not applicable.	Not applicable.

I	2	3	4	5	6	7	8	9	10	11	12	13
						Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidate otherwise well qualified.						
2. Senior Laboratory Assistant	5	General Central Service Class III Non-gazetted Non-ministerial	150—5—160 Non- 8—240— selection EB—8—280 10—300.	Below 25 years		B.Sc. (Chemistry) with Laboratory experience for a minimum period of one year.	No.	Two years	50% by direct recruitment 50% by promotion with not falling which direct recruitment.	Promotion of Junior Laboratory Assistant with not less than three years service in the grade.	Class III D.P.C.	Not applicable.
						Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.						
3. Junior Laboratory Assistant	4	General Central Service Class III Non-gazetted Non-ministerial	110—4—150 Not EB—4—170 appli- 5—180—EB—cable. 5—200.	Below 25 years		B.Sc. (Chemistry). Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.	Not applicable.	Two years	By direct recruitment.	Not applicable	Not applicable.	Not applicable.

4. Tracer	4	General Central Service Class III Non- gazetted Non- ministerial.	110—3—131 4—155— EB—4—175 5—180.	Not appli- cable.	Below 25 years	(a) Matriculation with a certificate in Draughtsmanship from the recog- nised institution. (b) Three years prac- tical experience of tracing work in a drawing office, (including experi- ence in Ferro and Azo printing). Age and qualifica- tions relaxable at the discretion of the Development Commissioner, Small Scale In- dustries in case of candidates other- wise well qualified.	Not applicable	Two years	By direct recruitment.	Not applicable.	Not appli- cable.	Not applicable.
5. Ferro Printer	5	General Central Service Class III Non- gazetted Non- ministerial.	110—3—131	Not appli- cable.	Below 25 years	(a) Pass in Middle School standard, but preferably matriculation or equivalent. (b) Three years' ex- perience in Ferro and Azo printing. (c) Experience in the maintenance of records of draw- ings. Age and qualifica- tions relaxable at the discretion of the Development	Not applicable	Two years	By direct recruitment	Not applicable.	Not appli- cable.	Not applicable

1	2	3	4	5	6	7	8	9	10	11	12	13
						Commissioner, Small scale Industries in case of candidates otherwise well qualified.						
6. Mechanic	74	General Central Service Class III Non- gazetted Non- ministerial.	125—3—131 4—155.	Not appli- cable.	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) Three years practical experience in workshops of repute.	Not applicable	Two years	By direct recruitment	Not applicable.	Not applicable.	Not applicable.
						Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.						
7. Blacksmith	11	General Central Service Class III Non- gazetted Non- ministerial.	125—3—131 4—155.	Not appli- cable.	Below 25 years	(a) Pass in Middle- School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) Three years practical experience in Workshops of repute.	Not applicable	Two years	Direct recruitment.	Not applicable.	Not appli- cable.	Not applicable.

					Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.							
8. Welder	7	General Central Service Class III Non-gazetted Non-ministerial	Rs. 125—3—131—4—155	Not applicable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) Three years practical experience in workshops of repute.	Not applicable	Two years	Direct recruitment	Not applicable	Not applicable	Not applicable
					Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.							
9. Turner	16	General Central Service Class III Non-gazetted Non-ministerial	Rs. 125—3—131—4—155	Not applicable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) Three years practical experience in workshops of repute.	Not applicable	Two years	Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6	7	8	9	10	11	12	13
						Age and qualifica- tions relaxable at the discretion of the Development Commissioner, Small Scale Indus- tries in case of candidates other- wise well qualified.						
10. Carpenter	7	General Central Service Class III Non- gazetted Non- ministerial	Rs. 125—3— 131—4—155	Not appli- cable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conduc- ted by recognised Institutions. (c) Three years prac- tical experience in workshops of repute. Age and qualifica- tions relaxable at the discretion of the Development Commissioner, Small Scale Indus- tries in case of candidates other- wise well qualified.	Not applicable	Two years	Direct recruitment	Not applicable	Not appli- cable	Not applicable
11. Moulder	4	General Central Service Class III Non- gazetted Non- ministerial	Rs. 125—3— 131—4—155	Not appli- cable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conduc- ted by recognised Institutions. (c) Three years practical experi- ence in work- shops of repute,	Not applicable	Two years	Direct recruitment	Not applicable	Not appli- cable	Not applicable

Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.

12. Mistry	271	General Central Service Class III Non-gazetted Non-ministerial	Rs. 110-3-131-4-143-EB-4-155	Not applicable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) One year practical experience in workshops of repute.	Not applicable	Two years	Direct recruitment	Not applicable	Not applicable	Not applicable
Age and qualifications relaxable at the discretion of the Development Commissioner, Small Scale Industries in case of candidates otherwise well qualified.												
13. Machine Operator	87	General Central Service Class III Non-gazetted Non-ministerial	Rs. 110-3-131-4-143-EB-4-155	Not applicable	Below 25 years	(a) Pass in Middle School Standard. (b) Pass in relevant trade tests conducted by recognised Institutions. (c) One year practical experience in workshops of repute.	Not applicable	Two years	Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6	7	8	9	10	11	12	13
						Age and qualifica- tions relaxable at the discretion of the Development Commissioner, Small Scale Indus- tries in case of candidates other- wise well qualified.						

[No. F. 4(51)/67-SSI(C).]

K. S. R. MURTHI, Under Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 16th April 1968

S.O. 1465/IDRA/6/16.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1961, read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors, Earth-Moving equipment and Internal Combustion Engines in place of members appointed under the Government of India in the late Ministry of Industry Order No. 940 IDRA/6/16 dated the 21st March, 1966, as amended from time to time, whose tenure of office has expired by efflux of time or otherwise:

Development Council for Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractor and Earth Moving Equipment and Internal Combustion Engines

Chairman.

1. Shri Keshub Mahindra,
M/s. Mahindra & Mahindra Limited,
Gateway Building, Appolo Bunder,
Bombay-1.

Members

2. Shri K. V. Srinivasan,
President of the Association of Indian
Automobile Manufacturers,
Army and Navy Building,
3rd Floor, M. K. Gandhi Road,
Fort, Bombay-1.
3. Shri S. Moolgaokar,
M/s. Tata Engineering and Locomotive Company Ltd.,
Bombay House, 24, Bruce Street, Fort,
Bombay-1.
4. Shri Lalchand Hirachand,
M/s. Premier Automobiles Limited,
Agra Road, Kurla, Bombay-70 (AS).
5. Shri S. L. Bhattar,
M/s. Hindustan Motors Limited, P.O. Uttarpara,
Distt. Hooghly (West Bengal).
6. Shri M. A. Chidambaram,
M/s. Automobile Products of India Ltd.,
Agra Road, Bhandup,
Bombay-78.
7. Shri H. P. Nanda,
M/s. Escorts Limited,
Connaught Circus,
New Delhi.
8. Mr. A. Sivasalam,
M/s. Tractors and Farm Equipment Limited,
202-203, Mount Road,
Madras.
9. Shri Chandrakant Patel,
M/s. Hindustan Tractors Limited,
Vishwamitri, Baroda.
10. Shri R. D. Pusalkar,
M/s. Ruston & Harnsby (I) Ltd.,
Chinchvad, Poona.
11. Shri W. N. Talwar,
President, All India Automobile and Ancillary
Industries Association,
Brabourne Stadium,
87, Veer Nariman Road, Bombay-1.

12. Shri L. L. Narayan,
M/s. Rane (Madras) Ltd.,
47, Velacheri Road, Madras-32.
 13. Shri T. S. Santhanam,
M/s. Sundram Industries (P) Ltd.,
37, Mount Road,
Madras-6.
 14. Shri D. N. Vatcha,
M/s. Motor Industries Co. Ltd.,
P.B. No. 93, Bangalore.
 15. Shri C. B. Saran,
M/s. Ex-Cello, India Ltd.,
78-B, Dr. Annie Basant Road,
Bombay.
 16. Shri M. M. Sabharwal,
M/s. Dunlop India Ltd.,
57 B, Free School Street,
Calcutta-16.
 17. Shri Kundan Lal,
Secretary General, All India Motor Union Congress,
16 A, Asaf Ali Road, New Delhi.
 18. Shri P. Sharan Gupta,
President,
Federation of All India Automobile Spare Parts
Dealers Association, 3620/21, Netaji Subash Marg,
Daryaganj, Delhi-6.
 19. Shri Habib Marikar,
M/s. Marikar Motors Ltd.,
Trivandrum, Kerala.
 20. Shri N. Balakrishna,
Editor of Indian Institute of Road Transport,
BEST House, P.Box No. 192,
Fort, Bombay-1.
 21. Shri B. S. Krishnamachar,
Deputy Director General,
Indian Standard Institution,
'Manak Bhawan',
Bahadur Shah Zafar Marg,
New Delhi-1.
 22. Shri K. L. Nanjappa,
Development Commissioner, Small Scale
Industries, Ministry of Industrial Development
and Company Affairs,
Nirman Bhawan, New Delhi-11.
- Secretary*
Shri B. S. V. Rao, Development Officer (Auto),
Directorate General of Technical Development,
Udyog Bhawan, New Delhi-11.

[No. 1(80)/67-A.E. Ind. (1).]

R. V. SUBRAHMANYAN, Jt. Secy.

(Department of Industrial Development)

ORDERS

New Delhi, the 16th April 1968

S.O. 1466/IDRA/63/68.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 5 and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Padma Bhushan Shri Vasantarao B. Patel, Chairman, Shetkari Sahakari Sakhar Karkhana Limited, Sangli (Maharashtra) to be a member, till the 16th October, 1968, of the Development Council established by the Order of the Government of India in the late Ministry of Industry No. S.O. 307/IDRA/8/1/67, dated the 11th January, 1967, for the scheduled Industries engaged

in the manufacture of production of sugar and directs that the following amendment shall be made in the said Order, namely :—

In the said Order, for entry No. 7, relating to Professor D. R. Gadgil, the following entry shall be substituted, namely :—

“7. Padma Bhushan Shri Vasantarao B. Patel, Chairman, Shetkari Sahakari Sakhar Karkhana Ltd., Sangli (Maharashtra).”

[No. 2(2)/Dev. Council/66-L.C.]

New Delhi, the 19th April 1968

S.O. 1467/IDRA/6/4/68.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(2) of the Development Councils (Procedural) Rules, 1952, the Central Government have accepted the resignation of Dr. A. R. Kidwai from the membership of the Development Council for Drugs and Pharmaceuticals established by the Order of the Government of India in the late Ministry of Industry's No. S.O. 1435/IDRA/6/1/66, dated the 7th May, 1966, for the scheduled industries engaged in the manufacture or production of Drugs and Pharmaceuticals.

[No. 2(6)/Dev. Council/65-L.C.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 8th April, 1968

S.O. 1468.—In Licence No. CM/L-758, dated 14th August, 1964, held by the Bharat Carbon and Ribon Mfg. Co. Ltd., Plot No. 66A, Industrial Area, Faridabad Township, having their office at N-75, Bombay Life Building, Connaught Circus, New Delhi, the details of which were published under S.O. 4169 in the Gazette of India, Part II, Sub-section 3(ii), dated 2nd December 1967, carbon papers handwriting (IS:3450-1966) of the following varieties have been included in the licence with effect from 16th February 1968 :

Type A (Brand : BCR 480 Blue and BCR 7412 Black)

Type B (Brand : Dollar D Blue and BCR 7520 Black)

Type C (Brand : BCR 8612 Black).

[No. MD/55 : 758.]

New Delhi, the 11th April 1968

S.O. 1469 The Certification Marks Licences, details of which are mentioned in the schedule given hereafter, have lapsed or their renewal deferred :

THE SCHEDULE

Serial No.	Licence No. and Date	Licensee's Name and Address	Article/Process and the Relevant IS:No.	S.O. Number and Date of the Gazette Notifying grant of Licence	Remarks
1	2	3	4	5	6
1	CM/L-166 8-2-1960	Andamans Timber Industries, Village Ganipur, P.S. Mahentala, 24 Parganas Calcutta.	Tea-chest plywood panels—IS:10:1964	S.O. 427 dated 20-2-1960	Deferred after 29-2-1968
2	CM/L-260 19-1-1961	Chelpark Co. Ltd., 37-L Mount Road, Guindy, Madras-15	Ferro-gallo tannate fountain pen ink (0.1 percent iron content —IS: 220 1959	S.O. 340 dated 11-2-1961	Lapsed after 29-2-1968
3	CM/L-261 19-1-1961	Chelpark Co Ltd., 37-L Mount Road, Guindy, Madras-15.	Dye-based fountain pen ink (blue, green, violet, black, and red)—IS:1221-1957	S.O. 340 dated 11-2-1961	Lapsed after 29-2-1968
4	CM/L-345 29-9-1961	AFCO Ltd., Erangal Madh Island, Via Andheri, Bombay-58.	Extension ladders for fire fighting purposes—IS:930-1959	S.O. 2447 dated 14-10-1961	The licence was deferred after 16-10-66. It may now be treated as lapsed after that date.
5	CM/L-374 11-1-1962	Abrol Engg Co., Circular Road, Kapurthala (Punjab)	Metal clad switches 15 amps, 250 volts with HC and 'MEM' type fuse bases and carriers—IS:1567-1960	S.O. 1062 dated 7-4-1962	Deferred after 31-1-1968.
6	CM/L-459 25-9-1962	Jyoti Wire Industries, 112 Sonawala Property Estate, Goregaon East, Bombay-62	Bare annealed high conductivity copper wire, plain tinned IS:2982-1965	S.O. 1680 dated 22-6-1963	Lapsed after 29-2-1968
7	CM/L-474 23-11-1962	Indian Mineral Industries Ltd., 22/1, Dum Dum Road, Calcutta-2.	BHC dusting powders—IS: 561-1962	..	Deferred from 16-2-1968 to 15-4-1968
8	CM/L-620 17-1-1964	Roofrite Pvt. Ltd., Daulatabad Road, Near Railway Station, Gurgaon (Haryana)	Bitumen felts for water-proofing and damp-proofing—IS:1322-1959	S.O. 608 dated 22-2-1964	Deferred after 15-2-1968

9	CM/L-965 28-11-1964	Shri Luckminarain Jute Mfg. Co. Ltd., 107 G. S. Mukherjee Street, Konnagar, Hooghly	Jute Hessian—IS:2818-1964	S.O. 79 dated 2-1-1965	Lapsed after 30-11-1967
10	CM/L-966 28-11-1964	Shri Luckminarain Jute Mfg. Co. Ltd., 107, G. S. Mukherjee Street, Konnagar, Hooghly	Jute sackings—IS: 1943-1964, IS 2566-1965 IS:2874-1964 and IS:2875-1964	S.O. 79 dated 2-1-1965	Lapsed after 30-11-1967
11	CM/L-1211 16-2-1966	Fordham Pressings (India) P. Ltd., Bombay-Agra Road, Near Pipe Line, Ghat Kopar, Bombay-77 (AS)	Flushing cisterns for water closets and urinals—IS:774-1964	S.O. 851 dated 19-3-1966	Lapsed after 29-2-1968
12	CM/L-1376 29-12-1966	Salem Magnesite Pvt. Ltd., Kurumbapatti Reserve, Forest Area, Salem-7	Calcined magnesite, chemical requirements —IS:657-1962	S.O. 243 dated 21-1-1967	Deferred after 15-1-1968
13	CM/L-1393 15-2-1967	Singhal Pesticides, 9/122, Moti Bagh, Jamuna Bridge, Agra-6.	BHC emulsifiable concentrates—IS:632- 1966	S.O. 1038 dated 1-4-1967	Deferred after 15-2-1968

[No. MD/33 : 16/c]

New Delhi, the 15th April 1968

S.O. 1470. In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that twenty licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No and Date	Period of Validity From	To	Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
1	2	3	4	5	6	7
1	CM/L-1646 5-3-1968	5-3-69	4-3-69	M/s. Standard Mineral Products Pvt. Ltd., Subhash Nagar, Jogeshwari (East), Bombay-60.	Endrin emulsifiable concentrates	IS : 1310-1958 Specification for endrin emulsifiable concentrates.
2	CM/L-1647 5-3-1968	5-3-69	4-3-69	M/s. Standard Mineral Products Pvt. Ltd., Subash Nagar, Jogeshwari (East), Bombay-60.	Malathi on emulsifiable concentrates	IS : 2567-1963 Specification for malathion emulsifiable concentrates.
3	CM/L-1648 8-3-1968	16-3-69	15-3-69	M/s. Andamans Timber Industries, Port Blair Andaman having their registered office at 26, Chittaranjan Avenue, Calcutta-12.	Tea-chest plywood panels	IS : 10-1964 Specification for plywood tea-chests (Second revision).
4	CM/L-1649 8-3-1968	16-3-69	15-3-69	M/s. Agarwal Hardware Works (Pvt.) Ltd., 29, Ishwar Chatterjee Road, Sodepur 24 Parganas having their registered office at 167, Chittaranjan Avenue Calcutta-7.	Cold twisted steel bars for concrete reinforcement (i) upto 14 mm diameter or equivalent sections as per Doc : STI/1786/R1, March, 1968. (ii) more than 14 mm diameter or equivalent sections as per Doc: STI/1786/R2, March 1968	IS : 1786-1966 Specification for cold twisted steel bars for concrete reinforcement (revised)

5. CM/L-1650 8-3-1968	16-3-68	15-3-69	The Indian Aluminium Cables Ltd., 7/1 Mile Stone G. T. Road, Ghaziabad (U. P.) having their registered office at F. 40, N. D. S. E., (Part I) New Delhi-3.	Hard-drawn stranded aluminium conductors for overhead power transmission purposes.	IS : 398-1961 Specification for hard-drawn stranded Aluminium and steel-cored Aluminium conductors for overhead power transmission purposes (<i>revised</i>).
6. CM/L-1651 11-3-1968	16-3-68	15-3-69	M/s. Hind Ceramic Ltd., 147, Nilganj Road, Belgharia, Calcutta-56 having their registered office at Stephen House, 1st Floor, 4 Dalhousi Square (East), Calcutta-1.	Salt-glazed stoneware pipes 230 mm diameter + 150 mm	IS : 651-1965 Specification for salt-glazed stoneware pipes and fittings (<i>second revision</i>).
7. CM/L-1652 13-3-1968	16-3-68	15-3-69	M/s. Sri Bengal Tea-Chest Fittings Mfg. Pvt. Ltd., 23/1, Tagore Castle Street, Calcutta-6 having their office at 180, Mahatma Gandhi Road, Calcutta-7.	Tea-chest metal fittings	IS : 10-1964 Specification for plywood tea-chests (<i>second revision</i>).
8. CM/L-1653 13-3-1968	16-3-68	15-3-69	M/s. J.N. Kapur & Co, Saharanpur Road, Yamuna Nagar.	Plywood-tea-chest battens	IS : 10-1964 Specification for plywood tea-chests (<i>second revision</i>).
9. CM/L-1654 19-3-1968	1-4-68	31-3-69	M/s. James Beechey & Co, Pvt. Ltd., Agra Road, Bhandup, Bombay-78.	Three phase induction motors 2.2 KW (3 hp) and 3.7 KW (5 hp) with class 'A' insulation	IS : 325-1961 Specification for three-phase induction motors (<i>second revision</i>).
10. CM/L-1655 20-3-1968	16-4-68	15-4-69	M/s. Sundatta Foods & Fibres Ltd., Karwar Road, Hubli (Mysore State) having their office at Temple Bar Buildings, 70, Forbes Street, Fort, Bombay-1.	Balanced feed mixtures for cattle	IS : 2052-1962 Specification for balanced feed mixtures for cattle.
11. CM/L-1656 20-3-1968	1-4-68	31-3-69	M/s. Esso Standard Eastern Inc, Survey No. 24/3, A&B Chikkabiderakallu Village, Neelamangala Taluka, Bangalore Tumkur Road, Bangalore District.	BHC dusting powders	IS : 561-1962 Specification for BHC dusting powders (<i>second revision</i>).

1	2	3	4	5	6	7
12.	CM/L-1657 22-3-1968	1-4-68	31-3-69	M/s. Oriental Power Cables Ltd., Cable Nagar, District Kota (Rajasthan).	PVC insulated (heavy duty) electric cables, single core and four core for working voltages upto and including 1100 volts.	IS : 1554 (Part I)-1964-Specification for PVC insulated (heavy duty) electric cables part I for working voltages upto and including 1100 volts.
13.	CM/L-1658 22-3-1968	1-4-68	31-3-69	M/s. Premier Cable Co. Ltd., Karukutty, Angamally P.O., District Ernakulam (Kerala)	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.	IS : 398-1961 Specification for hard-drawn stranded aluminium and steel cored aluminium conductors for overhead power transmission purposes.
14.	CM/L-1659 27-3-1968	1-4-68	31-3-69	M/s. Sandoz (India) Ltd., Kolshet Road, Thana having their office at 3, Wittet Road, Bombay-1.	DDT emulsifiable concentrates	IS : 633-1956 Specification for DDT emulsifiable concentrates.
15.	CM/L-1660 27-3-1968	1-4-68	31-3-69	M/s. Sandoz (India) Ltd., Kolshet Road, Thana having their office at 3, Wittet Road, Bombay-1.	Malathion emulsifiable concentrates.	IS : 2567-1963 Specification for malathion emulsifiable concentrates.
16.	CM/L-1661 27-3-1968	1-4-68	31-3-69	M/s. Chaliha Rolling Mills Pvt. Ltd., 13, Chanditola Lane, Tollygunge, Calcutta -40 having their office at 5, Mission Row, Calcutta-1.	Structural steel (ordinary quality)	IS : 1977-1962 Specification for structural steel (ordinary quality).
17.	CM/L-1662 27-3-1968	1-4-68	31-3-69	M/s. Chaliha Rolling Mills Pvt. Ltd., 13, Chanditola Lane, Tollygunge, Calcutta-40 having their office at 5, Mission Row, Calcutta-1.	Mild steel wire for general engineering purposes.	IS : 280-1962 Specification for mild steel wire for general engineering purposes.
18.	CM/L-1663 27-3-1968	27-3-68	15-3-69	M/s. Oswal Electricals, 49, Industrial Area, Faridabad.	Single phase small ac and universal electric motors with class 'A' insulation 0.18 KW (1/4 hp) and 0.55 KW (3/4 hp).	IS : 996-1964 Specification for single phase small ac and universal electric motors (revised).

19.	CM/L-1664 27-3-1968	1-4-68	31-3-69	M/s. Brooke Bond India Ltd, Ghatkesar P. O., Hyderabad (A.P.) having their office at Secunderabad (A.P.)	Soluble coffee powder	IS : 2791-1964 Specification for soluble coffee powder.
20.	CM/L-1665 29-3-1968	1-4-68	31-3-69	M/s. Chaliha Rolling Mills Pvt. Ltd., 13, Chanditola Lane, Tollygunge, Calcutta-40 having their office at 5, Mission Row, Cal- cutta-1.	Structural steel (standard quality)	IS : 226-1962 Specification for structural steel (standard qua- lity) (<i>third revision</i>).

[No. MD/33:16]

(DR.) A.K. GUPTA,
Deputy Director General.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 10th April 1968*

S.O. 1471.—Whereas the Central Government is of opinion that it is expedient in the public interest to add to the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), 'service in the Uranium Industry';

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 40 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby adds the following item to the First Schedule to the said Act, after item 18 thereof, namely:—

"19. Service in the Uranium Industry",

[No. F. 1/19/68-LRI-I.]

New Delhi, the 17th April 1968

S.O. 1472.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the matter of an application under section 33A of the said Act, from Shri Lakmindra Miner represented by Shri Man Mohan Misra, President, Barbil Mazdoor Congress, which was received by the Central Government on the 6th April, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**CAMP AT DHANBAD**

Dated March 21, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

Complaint Case No. CGIT/LC(A)(28)/67
Under Section 33-A I.D. Act**PARTIES:**

Shri Lakindra, Miner—Applicant.

Vs.

M/s. Orissa Mining & Engg. Co. Thakurani, Distt. Keonjhar—Opp. Party.

APPEARANCES:

For Applicant—Sri Man Mohan Misra, President, Barbil Mazdoor Congress.

For Opp. Party—S/Sri S. Mukerji and N. K. Paul.

Industry: Mining and Engg.

Distt. Keonjhar (Orissa).

ORDER/AWARD

This is a complaint under Section 33-A I.D. Act complaining that during the pendency of a reference, particulars of which had not been stated but it appears to be case No. CGIT/LC(R)(97)/67 as stated in the reply of the employers, the Opp. Party, that the complainant has been dismissed and the dismissal was unjustified and irregular and the enquiry was vitiated. Several opportunities were given to the applicant for appearance which he failed to avail. The case was ultimately taken up today at camp Dhanbad on 21st March 1968. His representative Sri Man Mohan Misra, Union President, stated that the complainant is not present and he has no evidence to produce. It is for the complainant to prove that there was violation of Section 33 I.D. Act on the part of the employers. The contention of the employers is that the complainant is not at all concerned in the reference in question which relates to Provident Fund matter and the complainant has nothing to do with it. The complainant having failed to establish that there was breach of Section 33 I.D. Act on the part of the employers, the application is rejected.

Since the order amounts to an award it shall be sent to the Ministry for publication.

(Sd.) G. C. AGARWALA,
Presiding Officer.
21-3-1968.

[No. 23/25/64-LRI-I.]

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employers—Shri Amulya Ratan Sanki, Clerk.

For the Workmen—Shri Pritish Chanda, President and Shri A. Chakraborty, Vice-President of Dhalbhum Khadan Mazdoor Union.

State: Bihar

Industry: Stone Agency.

Dated, Dhanbad, the 22nd March, 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to Messrs Dhalbhumgarh Gravel Stone Company of Messrs I. B. Chakraborty and their workmen, by its order No. 36/14/65-LR-I, dated 26th April 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

- "(1) Whether the demand of the workmen for paid holidays on the 28th January and 15th August every year is justified? If so, to what relief are they entitled?
- (2) Whether the demand of the workmen for three months pay as annual bonus is justified? If so, to what relief are they entitled?
- (3) Whether the demands of the workmen for revision of wages, revision of rates for wagon loading and staking are justified? If so, to what relief are they entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 70 of 1965 on its file. Both the parties filed their statements of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LR-II, dated 8th May 1967 under Section 33B(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 35 of 1967.

3. Parties have filed a compromise memo praying to pass the award in its terms. The memo is duly verified. I find the terms of compromise as fair and reasonable and beneficial to the workmen as well as the affected workmen. I, therefore, accept the compromise. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and made part of the award.

(Sd.) N. VENKATA RAO,
Presiding Officer.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT (NO. 2) AT DHANBAD.**

In the matter of A.T. Reference No. 35 of 1967
I.T. Reference No. 70 of 1965

PARTIES:

M/s. I. B. Chakraborty, Proprietor, Dhalbhum Stone Agency

AND

Their Workmen represented through Dhalbhum Gravel Khadan Mazdoor Union.

Memorandum of Settlement

The Employer and the Union, the parties concerned, in the above matter beg to submit that through negotiation a settlement has been made to resolve the pending dispute the terms of which are as follows:—

Terms of Settlement

Without prejudice to the stand taken by the parties concerned before the Tribunal, it is agreed that:—

Issue No. 1. (of the terms of reference)

26th January and 15th August every year shall be treated as paid holidays and the workmen shall accordingly get holiday with pay on the respective days. In the event of any emergency if any workman is required to work on any such day, he shall be paid the normal days wages plus the Holiday pay. This shall come into force with immediate effect.

Issue No. 2 (of the terms of reference)

Annual Bonus at the rate of Rs. 40 (Rupees Forty) shall be paid to all regular employees. The date and mode of payment for the aforesaid dues shall be fixed by the employer in consultation with the Union.

Issue No. 3 (of the terms of reference)

The revised rates of wages of the workmen for raising stacking and wagon loading shall be fixed as under:—

- (a) The rate of raising of 2½" Gravel delivered at the stacking ground at the quarry shall be Rs. 6 per 100 Cft.
- (b) The Rate of raising of 1½" W/Gravel delivered at the stacking ground at the quarry shall be Rs. 8 per 100 Cft.
- (c) The rate of raising of ¾" 'SG' gravel delivered at the stacking ground at the quarry shall be Rs. 8 per 100 Cft.
- (d) The rate of wagon loading shall be Rs. 1.50 per 100 Cft.
- (e) The rate of Stacking shall be Rs. 1.25 per 100 Cft.

In view of the nature and condition of the trade which often fluctuate, the rates will be subject to revision which however will never be inconsistent with the Minimum Wages Act.

This agreement thus made shall come into force with immediate effect.

It is prayed that the Hon'ble Tribunal may be pleased to answer the Reference in terms of the above settlement and an Award be made accordingly.

Dated 1968.

For the Employers

(Sd.) I. B. CHAKRABORTY,

Proprietor,

Dhalbhum Stone Agency.

For the Workmen.

(Sd.) D. P. DASH,

General Secretary,

Dhalbhum Gravel Khadan Mazdoor
Union.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 35 OF 1967

PARTIES:

—Employers in relation to Messrs Dhalbhumgarh Gravel Stone Company of Messrs I. B. Chakraborty.

AND

Their Workmen

List of Documents admitted in evidence for the employers

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted by consent or on proof	Proved by	Remarks
Ext. M1	Letter No. 64/30/220 dated 23-8-64 addressed to the General Secretary Dhalbhumgarh Gravel Khadan Majdoor Union P.O. Dhalbhumgarh by Sri I.B. Chakraborty for Dhalbhum Stone Agency.	7-2-68	By consent		
Ext. M2	Letter No. 64/30/248 dated 21-9-64 addressed to the Conciliation Officer (C) Dhanbad II by Sri I.B. Chakraborty for Dhalbhum Stone Agency.	Do.	Do.		
Ext. M3	Postal receipt No. 35 dated 22 Sept. 64 and one acknowledgement receipt dated 25-9-64.	Do.	Do.		
Ext. M4	Dated the 3rd March 1965 addressed to the Conciliation Officer (C) Dhanbad II by Sri I.B. Chakraborty Proprietor of Dhanbhum Stone Agency.	Do.	Do.		
Ext. M5	Postal receipt No. 89 dated 3rd March 1965.	Do.	Do.		
Ext. M6	Letter No. 65/30A/220 dated 23-9-65 addressed to the General Secretary Gravel Khadan Mazdoor Union, Dhalbhumgarh by Shri A. Sanki Manager, Narsingarh Gravel Mines.	Do.	Do.		
Ext. M7	Letter No. 65/30A/220 dated 23-9-65 addressed to General Secretary, Gravel Khadan Mazdoor Union, Dhanbad by Sri A. Sanki Manager, Narsingarh Gravel Mines.	Do.	Do.		
Nil.	Nil.	Nil.	Nil.	Nil.	Nil.

(Sd.) N. VENKATA RAO,
Presiding Officer.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 35 OF 1967

PARTIES:

Employers in relation to Messrs Dhalbhumgarh Gravel Stone Company of Messrs I. B. Chakraborty.

AND

Their Workmen

List of Witnesses examined for the employers.

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

List of witnesses examined for the workmen

No. of witness	Name of witness	Date of examination
Nil.	Nil.	Nil.

(Sd.) N. VENKATA RAO,
Presiding Officer.
[No. 36/14/65-LRI-I.]

ORDERS*New Delhi, the 17th April 1968*

S.O. 1476.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. S. Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the termination of the service of Shri Kana Ram Probationer peon, P.O. Rajgarh with effect from the 10th July, 1967 by the management of the Punjab National Bank Limited was justified? If not, to what relief is he entitled?

[No. 51/65/67-LRIII.]

S.O. 1477.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before Shri V. V. Subramonia Iyer, Presiding Officer, Industrial Tribunal, Khozikode, Kerala.

And Whereas Shri V. V. Subramonia Iyer has been relieved and on relinquishing the charge of the post of Presiding Officer, Industrial Tribunal, Khozikode, held by him, Shri R K Venu Nayar, has assumed charge as Presiding Officer of the said Industrial Tribunal.

And Whereas for the ends of justice and convenience of parties, the dispute specified in the Schedule hereto annexed should be disposed of without further delay,

Now Therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33b of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri R.K. Venu Nayar as the Presiding Officer with Headquarters at Kozhikode and withdraws the proceedings, in relation to the said dispute from Shri V. V. Subramonia Iyer, and transfers the same to Shri R.K. Venu Nayar, Presiding Officer, Industrial Tribunal, Kozhikode, for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Serial No.	Parties to the dispute	Reference No. and date to Industrial Tribunal	S.O. No. of Gazette Year of Publication
1	Hindustan China Clay Works and their workmen.	36/9/67-LRI dated the 27th May, 1967.	1923/67

[No. 36/9/67-LRI.]

New Delhi, the 22nd April 1968

S.O. 1478.—Whereas an industrial dispute exists between M/s. Premraj Gundhar, Contractors, Kekan Mines of Bhilai Steel Plant, Post Office Dalli-Rajhara (District Durg) Madhya Pradesh (hereinafter referred to as the said Company) and their workmen represented by Samyukta Khadan Mazdoor Sangh, P.O. Dalli-Rajhara (District Durg) Madhya Pradesh (hereinafter referred to as the Union);

And, whereas the said Company and the Union have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the said arbitration agreement, which was received by it on the 29th March, 1968.

Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

Names of the Parties:

Representing Employers: Shri Manoharlal Jain, Representative, M/s. Premraj Gundhar, Contractors, Kekan Mines of Bhilai Steel Plant, P.O. Dalli-Rajhara (Distt. Durg) MP.

Representing Workmen: Shri R. S. Tiwari, Joint Secretary, Samyukta Khadan Mazdoor Sangh, P.O. Dalli-Rajhara (Distt. Durg) MP.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri P. C. Rai, Regional Labour Commissioner (Central), Jabalpur.

(i) Specific matters in dispute.

Whether the demand of the Samyukta Khadan Mazdoor Sangh for providing employment to Shri Maroti Rao with effect from the date Shri Premraj Gundhar, Contractor started work in Kekan Mines of the Bhilai Steel Plant is justified? If so, to what relief is the workmen entitled?

- (ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*

Employers in relation to the establishment of M/s. Premraj Gundhar, Contractors, Kokan Mines of Bhilai Steel Plant, P.O. Dalli-Rajhara (Distt. Durg) (M.P.) and their workmen represented by Samyukta Khardan Mazdoor Sangh, P.O. Dalli-Rajhara (Distt. Durg) (M.P.).

- (iii) *Name of the union, if any, representing the workmen in question.*

Samyukta Khardan Mazdoor Sangh (P.O.) Dalli-Rajhara (Distt. Durg) (M.P.).

- (iv) *Total Number of workmen employed in the undertaking affected.*

1400.

- (v) *Estimated number of workmen affected or likely to be affected by the dispute.*

1.

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of 3 months or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing Employers:

Sd./- MANOHARLAL JAIN

Representing Workmen:

Sd./- R. S. TIWARI.

Witnesses:

1. Sd./- P. S. RAO,

2. Sd./- A. D. MATHUR 17-2-68.

Bilaspur, dated the 17th February, 1968.

....

[No. 37/2/68-LRI].

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 15th April 1968

S.O. 1479.—Whereas the Central Government was satisfied that M/s. Jai Bharat Metal Industries and M/s. Food Specialists were situated in Moga area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Ferozepur in the State of Punjab;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by the notification of the Government of India in the Department of Social Security No. S.O. 3230, dated the 25th September, 1965;

And, whereas the Central Government is now satisfied that the insurable population of the Moga area in the district of Ferozepur in the State of Punjab has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

In the schedule annexed to the said notification, in serial No. 4 relating to Ferozepur, the entry in column 3 relating to Moga and the entries there-against in column 4 shall be omitted.

[No. F. 6/9/68-HI-V.]

New Delhi, the 16th April 1968

S.O. 1480.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 28th day of April, 1968 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely:—

The area comprising the revenue village of Sooranad South in Kunnathur Taluk in the Quilon District in the State of Kerala.

[No. F. 13(16)/68-HI.]

New Delhi, the 20th April 1968

S.O. 1481.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 28th day of April, 1968 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Madras, namely:—

1. The following revenue villages in Tirumangalam taluk, in Madurai district:—
 - (a) Maravankulam;
 - (b) Palakkapudupatty;
 - (c) Kappalur;
2. The following revenue villages in Madurai taluk, Madurai district:—
 - (a) Thoppur; (b) Nilayur; (c) Silaiman; (d) Puliankulam; (e) Varaganur; (f) Iravada Nallur; (g) Vandiyur; (h) Mela Madai; (i) Managiri; (j) Sathamangalam.

3. The area comprised within the revenue village of Manaloor, in Manamadurai sub-taluk of Sivaganga taluk, in Ramanathapuram district.

[No. 13(17)/68-HI].

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 15th April 1968

S.O. 1482.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Mondal's Bilbera Colliery, Post Office Katrasgarh (Dhanbad) and their workmen, which was received by the Central Government on the 10th April, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 65 OF 1967

PARTIES:

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh,
District Dhanbad

Vs.

Their Workman.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers—Shri B. P. Mondal, Personal Secretary to the Agent.

For the Workman—Shri Lalit Burman, General Secretary, Bihar Koyla
Mazdo Sabha.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

By order No. 2/38/67-LRII dated the 27th March, 1967, the Government of India has made this reference under section 10(1)(d) of the Industrial Disputes Act, 1947. The schedule attached to the reference is as follows:

SCHEDULE

"(a) Whether the action of the management of Mondal's Bilbera Colliery, Post Office Ketrasgarh, District Dhanbad in refusing employment to Shri Babulal Dusadh, Surface Trammer with effect from the 14th December, 1966 was justified?

(b) If not, to what relief is the workman entitled?"

2. When this reference was pending before this Tribunal, the Government of India, Ministry of Labour & Employment, transferred the reference to the Jabalpur Tribunal *vide* Ministry's Order No. 8/25/67-LRII dated the 16th September, 1967 where it was numbered as reference No. 137 of 1967. Again, the Ministry transferred the same reference to this Tribunal *vide* Government of India, Ministry of Labour, Employment & Rehabilitation's Notification No. 8/25/67-LRII dated the 24th November, 1967 and it has now been numbered as reference No. 65 of 1967 here.

3. Shri P. B. Mondal, Personal Secretary to the Agent, has appeared on behalf of the management. Shri Lalit Burman, General Secretary, Bihar Koyla Mazdoor Sabha, has appeared on behalf of the workman. It is admitted by Shri Burman that the workman was suffering from tuberculosis. Both parties have arrived at a settlement of their dispute. The substantial part of the agreement is that Shri Babulal Dusadh would be given an *ex-gratia* payment of Rs. 500/- in full settlement of all his claims against the colliery so that he will have no further claim at all on the management of Mondal's Bilbera Colliery after getting the *ex-gratia* payment. The payment is to be made immediately. I think that the terms of agreement in the circumstances are fair. I, therefore, accept them.

4. Let the reference be disposed of in terms of the compromise which will form part of this award. Let it be submitted to the Government of India under section 15 of the Industrial Disputes Act.

(Sd.) KAMLA SAHAI,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT DHANBAD

REFERENCE No. 65 of 1967

PARTIES:

Employers in relation to Mondal's Bilbera Colliery

AND

Their Workmen represented by Bihar Koyla Mazdoor Sabha.

Petition of Compromise

The parties concerned in the above Reference beg to submit that they have mutually settled the instant industrial dispute on the following terms:—

Terms of Settlement

1. That the Management of Mondal's Bilbera Colliery hereby agree to pay to Shri Babulal Dusadh, the workman concerned an *ex-gratia* payment of Rs. 500/- (Rupees Five hundred) only in full and final settlement of all his claims including the claim of reinstatement.
2. That the workman shall have no other claim on the management of Mondal's Bilbera Colliery after getting the above-mentioned *ex-gratia* payment.
3. That the management agree to make the payment as per clause (1) immediately.
4. That the parties pray that the above reference may be disposed of on the basis of the above terms of settlement.

It is, therefore, humbly prayed that the Hon'ble Tribunal may be pleased to pass an award on the basis of the above settlement. And for this the parties shall pray.

Dated the 2nd April, 1968.

For the Employers

(Sd.) Illegible,

Mondal's Bilbera Colliery.

For the Workmen

(Sd.) Illegible,

General Secretary,

Bihar Koyla Mazdoor Sabha.

[No. 2/38/67-LRII.]

S.O. 1483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the New Golukdih Colliery, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 10th April, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM— LABOUR COURT NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 70 OF 1967

PARTIES:

Employers in relation to the New Golukdih Colliery, P.O. Jharia, Dist. Dhanbad.

Vs.

Their Workman.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers—Shri P. S. Varma, Manager.

For the Workman—Nonc.

AWARD

By order No. 2(125)/67-LRII dated the 4th December, 1967, the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) has, under section 10(1)(d) of the Industrial Disputes Act, 1947 made this reference for adjudication to this Tribunal with the following schedule:

SCHEDULE

"Whether the action of the management of the New Golukdih Colliery, Post Office, Jharia, District Dhanbad in stopping Shri Ram Ratan Sharma, Attendance Clerk, from work with effect from the 21st June, 1967, was justified? If not, to what relief is the workman entitled?

2. The management has appeared and is represented by the Manager of the colliery, Shri P. S. Varma. The workman has not appeared. Shri Varma has stated that Shri Ram Ratan Sharma gave up his post of his own accord and he was paid his wages for the months of April and May, 1967. An *ex-gratia* payment of Rs. 200 was also made to him. He has proved an agreement (Ext. M5) as having been arrived at between Shri Biswanath Aggarwalla, Owner and Proprietor of the colliery, on one side and Shri Ram Ratan Sharma on the other. He has also proved the receipt (Ext. M6). It seems that the dispute between the parties has been settled by virtue of this agreement. It seems that the workman has not appeared on account of this agreement.

3. It seems therefore that the workman was not stopped from work at all but he gave up his service himself. I accept the agreement, as closing the dispute between the parties. This reference is, therefore, disposed of in terms of the

agreement which will form part of this award. Let this be submitted to the Government of India under section 15 of the Industrial Disputes Act, 1947.

(Sd.) KAMLA SAHAI,
Presiding Officer.

True Copy

This memorandum of Settlement is made on this the Eighteenth Day of December one thousand nine hundred sixty-seven by and between the management of New Golakdih Colliery represented by Sri Biswanath Agarwalla who is the owner and proprietor thereof, residing at Gobindpur, P.O.&P.S. Gobindpur, District Dhanbad, hereinafter called and referred to as the management on the one Part and Sri Ram Ratan Sharma an Ex-Attendance Clerk of M/s. New Golakdih Colliery, residing at Dharamsala Road, P.O. and P.S. Jharia in the District of Dhanbad, hereinafter called and referred to as the Employee of the other part:—

Whereas the Employee was working as the Attendance Clerk in the aforesaid colliery of the management, commonly known as New Golakdih Colliery, P.O. Jharia, District Dhanbad and

Whereas the said employee worked under the management till the month of May, 1967 and thereafter left the services of his own accord and went away and

Whereas the employee has been paid his wages for the months of April and May, 1967 and

Whereas the employee having raised a dispute that he was illegally stopped from work without any notice, the matter was taken up in conciliation by the Regional Labour Commissioner (Central), Dhanbad but failed and

Whereas the Central Government has been pleased under section 10(1) (d) of the Industrial Disputes Act to refer the said dispute for adjudication to the Industrial Tribunal Dhanbad and both the employee and the management have received intimation to this effect and

Whereas the parties mutually and amicably settled the dispute and considered it fit and proper to embody the terms and conditions of settlement in a formally drawn instrument:

Now this Settlement Witnesseth as follows:

- (1) That the employee has left the services of the management on and from the month of June 1967 and shall be deemed to have done so and that he has no claim demand whatsoever against the management for his services or on any matter whatsoever.
- (2) That as a gesture of good will the management has paid an *ex-gratia* payment of Rs. 200/- to the employee the receipt of which the employee hereby acknowledges and admits.
- (3) That the employee further acknowledges and admits that he has received his full salary and all other dues whatsoever upto the month of May, 1967 and he has no demand claim of any nature whatsoever against the management.
- (4) That the parties do hereby declare and agree that a copy of the settlement shall be forwarded to the appropriate authorities and if in the meantime the matter is referred to the Industrial Tribunal for adjudication the settlement shall be filed before the Hon'ble Tribunal for a decision in terms of the settlement.
- (5) That the parties further declare that none of them has any claim demand whatsoever against each other and they shall not raise any dispute or grievance in future also.

In witness whereof the parties hereto set their respective hands and seals and signatures the day month and year first.

First Party: Sd/- Ram Ratan Sharma 18.12.67

Second Party: Biswanath Agarwalla

Read and accepted.
Sd.-/ RAM RATAN SHARMA,
18-12-67.

[No. 2/125/67-LRIL.]

New Delhi, the 18th April 1968

S.O. 1484.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Malkera-Choitodih Colliery of Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

CAMP AT DHANBAD

Dated March 20, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

CASE REF. NO. CGIT/LC(R)(25)/1967 (JABALPUR TRIBUNAL)

CASE REF. NO. 45 OF 1965 (DHANBAD TRIBUNAL)

PARTIES:

Employers in relation to Malkera-Choitodih Colliery of M/s. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, Distt. Dhanbad.

Versus

Their workmen represented through Colliery Mazdoor Sangh, Dhanbad.

APPEARANCES:

For Employers—Sri S. S. Mukherji, Advocate.

For Workmen—Sri S. Das Gupta, Secretary of the Union.

Industry: Coal Mine.

District: Dhanbad (Bihar).

AWARD

By Notification No. 1/2/65-LR11, dated 29th March, 1965 the Ministry of Labour and Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal, Dhanbad, for adjudication. It was subsequently transferred to this Tribunal by Notification No. 8/25/67-LR11, dated 25th April, 1967:—

Matter of Dispute

Whether the management of Malkera-Choitodih Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora (District Dhanbad), were justified in dismissing Shri Nabi Mia, Shot-firing Sirdar, with effect from the 19th June, 1964? If not, to what relief is the workman entitled?

2. Neither party filed statement of claim before the Dhanbad Tribunal. After issue of usual notices written statement was filed by the Union and the employers filed the statement of claim-cum-reply, on the basis of which certain additional issues were framed on hearing rendered at Dhanbad on 22nd July, 1967. These are as follows:—

Additional Issues

- (1) Whether Nabi Mia was dismissed after a bona fide and proper enquiry conforming to rules of natural justice?
- (2) Was the finding of the Enquiry Officer perverse?
- (3) Was he guilty of misconduct for which he had been punished?
- (4) Was he victimised for trade union activities?

Evidence was thereafter recorded and full hearing rendered on 20th March, 1968 at Dhanbad.

3. Facts of the case are short and simple. The workman concerned, Sri Nabi Mia was an old Shot-firing Sirdar in the Malkera-Choitodih Colliery of M/s. Tata Iron and Steel Company Ltd., Jamadoba, to be hereinafter called the Company. On 5th May, 1964 he was given 20 pounds of magazine to work at the 4th East Level in his day shift. The Inspector of Mines accompanied by Shri D. K. Sanyal,

Senior Surveyor, took a round of the dip gallery of the 4th East Level where Nabi Mia was engaged in firing shot. He had 35 cartridges with him which had all been primed at one time and out of which 15 had already been fired. The Inspector enquired from him why he had primed all the cartridges together to which he replied that this was to save time. When he was asked as to where the remaining explosives had been kept the Inspector and the Surveyor were both taken to 5th West Level of 30 H. P. Haulage dip, a distance of about 200 ft. There in a box 20 primed shorts were found without being attended by anybody. The priming of the cartridges at one time and leaving the explosives unattended are violations of Section 163(3) and 168(4) of the Coal Mines Regulations. He was consequently charge-sheeted by charge-sheet dated 14th May, 1964 of which he submitted a reply on 16th May, 1964. Sri T. Prasad (E.W. 1), Welfare Officer of the Colliery was appointed Enquiry Officer. He conducted the enquiry on two dates. Nabi Mia participated in the enquiry on both the dates. His defence was that the practice of priming cartridges on the ground of convenience was in the knowledge of the management and there being no magazine he left the explosives at 5th level in the charge of Sukhlal. The Enquiry Officer examined the Senior Surveyor, Sri D. K. Sanyal and Sri Nabi Mia on 21st May, 1964, as also Sri Sukhlal a witness examined by Sri Nabi Mia. Sri Sukhlal did not support the workman that he had been asked to keep watch of the explosives and he went away to work with the Timber Mistry with whom he was attached. The Enquiring Officer fixed another date for the enquiry recording a note that the evidence of Mining Sirdar, Sri D. N. Sirkar and the Asstt. Manager, Sri M. N. Ghosh, the Timber Mistry with whom Sri Sukhlal worked, was necessary and they were examined on 26th May, 1964. The evidence of these witnesses did not lend any support to Sri Nabi Mia. The Enquiry Officer submitted this finding on 30th May, 1964 which was accepted by the management and in consequence of which Sri Nabi Mia was dismissed by an order dated 12th June, 1964. The Union took up his cause in conciliation and which in due course has resulted in this reference.

4. It was pleaded by the Union that it was a usual practice to deposit box of explosives at a safe place and nothing new was done by Sri Nabi Mia. The priming of the cartridges was also an old practice. Sri Nabi Mia was victimised because of his Union activities. The enquiry was challenged having not been *bona fide* and fair and the finding was stated as perverse.

5. The management refuted the allegations and pleaded that Sri Nabi Mia had committed clear violations of the Coal Mines Regulations. There was no practice of leaving explosives uncared and there was a reserve magazine at No. 2 level where the explosives could have been deposited by Sri Nabi Mia. It was further alleged that at any rate the priming of the cartridges together at one time was a clean violation of the Regulations. The enquiry was held *bona fide* in a fair manner and the Enquiry Officer recorded a finding on the evidence produced before him. There was no motive to victimise him. Past record of Sri Nabi Mia was far from satisfactory and punishment therefore was justified.

Findings:—

6. Issue No. 1.—From the record of the enquiry proceedings and the evidence of the Enquiring Officer, Sri T. Prasad (E.W. 1) it is clear that there was a *bona fide* and a fair enquiry. The facts were practically admitted. The Senior Surveyor, Sri D. K. Sanyal, was examined as witness of the management and then Sri Nabi Mia examined himself and Sri Sukhlal, Coal Cutter, who carried the explosive from the magazine house. Sri Sukhlal did not support Sri Nabi Mia that he had been asked to keep watch of the explosives. From the evidence produced the Enquiring Officer found it necessary to examine the Mining Sirdar, The Assistant Manager, and Timber Mistry which was a fair decision so as to ascertain the allegation made by the workman himself. There was nothing wrong if these witnesses were examined by the Enquiring Officer of his own accord. Except for this fact, no other ground has been stated in arguments against the enquiry and in which Sri Nabi Mia fully participated. It is, therefore, held that there was a *bona fide* and a proper enquiry conforming to principles of natural justice.

7. Issue No. 2.—Nothing has been indicated how the finding is perverse. It is based on practically admitted facts and on the evidence recorded by the Enquiry Officer. The issue is answered in negative.

8. Issue No. 3.—Even if the enquiry is for any reason stands vitiated which is not in this case, it is evident that Sri Nabi Mia was guilty of violations of Coal Mines Regulations in priming the cartridges together and leaving a box

of 20 cartridges unattended at a place at least 200 ft. away from the place of his working. The issue is held accordingly.

9. *Issue No. 4.*—There is no suggestion that he was a prominent member of the Union and had been singled out for that reason. As a matter of fact, the allegation was given up in evidence. On the other hand, it was suggested to the management witness that Sri Nabi Mia was punished because of the pressure of the Mines Department as a result of the visit of the Inspector and which was denied by Sri T. Prasad (E.W. 1). The issue is answered accordingly.

Decision

The result is that the dismissal of Sri Nabi Mia was perfectly justified and he is not entitled to any relief.

(Sd.) G. C. AGARWALA,
Presiding Officer.
20-3-1968.

[No. 1/2/65-LRIL.]

S.O. 1485.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal, Jabalpur, in the matter of an application under section 33A of the said Act, from Shri H. K. Diwanji, Assistant Head Clerk, Barkui Colliery, C/o General Secretary, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, Post Office Parasia, District Chhindwara (Madhya Pradesh), which was received by the Central Government on the 16th April, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated April 3, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

Complaint Case No. CGIT/LC(A)(3) of 1968 u/s 33-A.I.D. Act.

PARTIES:

Shri H. K. Diwanji, Assistant Head Clerk, Barkui Colliery, c/o General Secretary, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, P.O. Parasia, District Chhindwara (M.P.)—*Complainant*.

Vs.

The Chief Mining Engineer, Shaw Wallace and Co. Ltd., P.O. Parasia, Distt. Chhindwara.—*Opp. Party*.

APPEARANCES:

For Applicant—Sri K. B. Chougule and Sri V. N. Dutta, General Secretary, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta.

For Opp. Party—Sardar Ujagar Singh, Labour Officer of the concern.

Industry: Coal Mine.

District: Chhindwara (M.P.).

ORDER/AWARD

Sri H. K. Diwanji, the complainant, filed this application under Sec. 33-A against the management of M/s Shaw Wallace and Company complaining that during the pendency of Reference case No. CGIT/LC(R)(123)/67 he had been retired and therefore there was change in the conditions of service. It was alleged that the employers thus committed a breach of Sec. 33 I.D. Act. The reference in question related to the right of the employers to retire their workmen in the absence of any fixed pension or gratuity scheme or provision in the Standing Orders. The employers filed a reply and intimated that they did not retire the complainant. The letter asking him to be retired has been withdrawn. On this assurance of the employers the application has not been pressed. That being so, the application is dismissed for want of prosecution.

Since the order amounts to an award it shall be sent to Ministry for publication.

(Sd.) G. C. AGARWALA,
Presiding Officer,
3-4-1968.

[No. 5/13/67-LRIL--(i).]

S.O. 1486.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Presiding Officer, Central Government Industrial Tribunal, Jabalpur, in the matter of two applications under section 33A of the said Act, from Shri Chhotey Khan and Shri Ali Hasan, Chowkidars Eklehra Colliery Care of General Secretary, M. P. Rashtriya Koyla Khadan Mazdoor Sangh, Post Office Parasia, District Chhindwara (Madhya Pradesh), which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

Dated April 3, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

1. Complaint Case No. CGIT/LAC(A)(2) of 1968 u/s 33-A I.D. Act.

AND

2. Complaint Case No. CGIT/LC(A)(4) of 1968 u/s 33-A I.D. Act.

PARTIES:

1. Shri Chhotey Khan; Chowkidar Eklehra Colliery c/o General Secretary, M.P.R. Koyla Khadan Mazdoor Sangh, P.O. Parasia, District Chhindwara (M.P.).—*Complainant*,

(Complainant of Case No. 2 of 1968)

2. Shri Ali Hasan, Chowkidar, Eklehra Colliery c/o the General Secretary, M.P.R.K.K.M. Sangh, P.O. Parasia, District Chhindwara—*Complainant*.

(Complainant of Case No. 4 of 1968)

Vs.

The Manager, Eklehra Colliery (The Pench Valley Coal Co. Ltd., P.O. Parasia—*Opp. Party*.

(Managing Agents), M/s. Shaw Wallace & Co. Ltd., P.O. Parasia, District Chhindwara (M.P.).

APPEARANCES:

For Complainants—Sri V. N. Dutta and Sri K. B. Chougule.

For Opp. Party—Sardar Ujagar Singh, Labour Officer.

Industry: Coal Mine.

District: Chhindwara (M.P.).

ORDER/AWARD

These are two applications filed under Sec. 33-A I.D. Act, one by Shri Ali Hasan (applicant in case No. 4/68) and the other by Shri Chhotey Khan (applicant in case No. 2/68) who are both Chowkidars in Eklehra Colliery of the opposite Party M/s Shaw Wallace and Company who are the Managing Agents of Pench Valley Coal Co. Ltd. It was complained that during the pendency of Ref. case No. CGIT/LC(R)(123)/67 which related to the right of the management to retire their workmen employed in their collieries in Parasia Coal Field in the absence of any fixed pension on gratuity scheme or provisions in the Standing Orders, they had been wrongly retired. Complainants undoubtedly had been retired with effect from 3rd December, 1967. The reference in question was decided by an award dated 9th February, 1968. There undoubtedly was a reference pending at the time of the retirement of the complainants. The reference was of a general nature and obviously the complainants were connected with the dispute and were also concerned workmen. The Opposite parties have thus committed a breach of Section 33(1)(a) I.D. Act.

2. In the reply to the applications, the employers contended that Pench Valley Coal Company was a party to the dispute who were not the owners of Eklehra Colliery. The reference was in general terms and was against the management of M/s Shaw Wallace Co. for all the Collieries in Parasia Coal Field. It was immaterial which Company was the owner of any colliery. The fact remains that M/s Shaw Wallace and Company are the Managing Agents of the Companies and the reference was directed against the management M/s Shaw Wallace and Company which covered Eklehra Colliery also. The objection is, therefore, clearly untenable.

3. It was next contended that the two complainants were not concerned workmen in the dispute under reference as the same related to other workmen. There were two issues in the reference. The first one was of general nature for all employees under the management of M/s. Shaw Wallace and Company in their collieries in Parasía Coal Field. The second issue was specifically in respect of certain stated workmen. The complainants are covered by the first issue under reference and therefore the employers could not have changed conditions of their service by retiring them during the pendency of the above stated reference. There was clearly a breach of Sec. 33(2)(a) I.D.Act. It has been held by award in the reference that the management has no such right to retire. Both the complainants shall, therefore, be reinstated and would be entitled to back wages till found medically unfit as directed in the award in reference case No. CGIT/LC(R)(123)/67. The complainants are further entitled to Rs. 50/- each as costs from the opposite party, the employers.

Since the order amounts to an award it shall be sent to Ministry for publication.

(Sd.) G. C. AGARWALA,
Presiding Officer,
3-4-1968.

[No. 5/13/67-LR II (il).]

S.O. 1487.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Pure Kustore Colliery of Messrs Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 11th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.**

CAMP AT DHANBAD

Dated March 20, 1968.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

CASE REF. NO. CGIT/LC(R)(49)/1967 (JABALPUR TRIBUNAL)

CASE REFERENCE NO. 107 OF 1964 (DHANBAD TRIBUNAL) ,

PARTIES:

Employers in relation to Pure Kustore Colliery of M/s. Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad.

Vs.

Their workmen, represented through the General Secretary, Khan Mazdoor Congress, Jharia, P.O. Jharia, Distt. Dhanbad.

APPEARANCES:

For employers.—Sri S. S. Mukerji, Member Executive, Raneegunj Chamber of Commerce.

For workmen.—Sri Rajballab Prasad for the Union.

INDUSTRY: Coal Mine

DISTRICT: Dhanbad (Bihar).

AWARD

By Notification No. 2/67/64-LR-II dated 31st August, 1964, the Ministry of Labour & Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to the Central Government Industrial Tribunal, Dhanbad, for adjudication which was subsequently transferred to this Tribunal by Notification No. 8/25/67-LR-II dated 25th April, 1967:—

Matter of Dispute

- (1) Whether the management of the Pure Kustore Colliery was justified in treating the period of absence of Shri Khedaru Bhar, Miner, from the 26th February 1964 to the 17th April 1964 as 'dies non'.
- (2) If not, to what relief is the workman entitled?

2. Parties filed their statements of claim before the Dhanbad Tribunal. After transfer to this Tribunal, the employers filed rejoinder and the Union representative stated that no rejoinder was necessary. On perusing the pleadings, the following additional issues were framed on 9th June, 1967:—

Addl. Issues.

- (i) Whether the dispute is Industrial Dispute?
- (ii) Whether the workmen Shri Khedaru Bhar was denied employment or did he absent from 26th February, 1964?
- (iii) Whether the charge sheet dated 9th April, 1964 and enquiry *malafide*?
- (iv) what is the result of dismissal of the workman with effect from 31st August, 1964?

The case remained undated for sometime and was ultimately taken up for evidence and hearing on 19th March, 1968 when both sides examined one witness each. The employers witness proved documents both of the employers and the workmen.

3. Sri Khedaru Bhar was a Miner in the Pure Kustore Colliery. The case of the Union as presented in the written statement was that he fell sick on 24th February, 1964 and took treatment at the colliery hospital. He became fit on 26th February, 1964 and wanted to resume duties but was not allowed to do so and was deprived of employment because he was a member of the sponsoring Union, Khan Mazdoor Congress. The management to cover up their high handedness prepared a false charge-sheet dated 9th March, 1964 which was received by him on 20th March, 1964 and it was duly replied by him. No notice of enquiry was received and he was kept out of employment till 18th April, 1964. He was required by a letter dated 14th April, 1964 (Ex. E/9) to rejoin on or before 17th April, 1964. The period was wrongly treated as dies-non which means leave without pay.

4. The management contended that the dispute was an individual dispute and the Tribunal had no jurisdiction. Their case was that Sri Khedaru Bhar reported sick to Medical Officer on 25th February, 1964. He was required to come after two days for fitness certificate but he did not come. The Medical Officer even went to his residential quarter and he was not found there. He had left for his home village. For his unauthorised absence the charge-sheet was issued on 9th March, 1964 of which Sri Khedaru gave a reply on 21st March 1964. Due notice of enquiry was served on him by registered post and a departmental enquiry was held on 28th March, 1964 in which Sri Khedaru Bhar participated and was present. He however, refused to append his signature. The Enquiring Officer, Sri B. Mukerji, found the charge-proved and recommended dismissal by his report dated 3rd April, 1964. The management, however, took a lenient view and by letter dated 14th April, 1964 asked Sri Khedaru Bhar to report for duties and the period was treated as dies-non. Sri Khedaru Bhar joined his duties on 18th April, 1964. It may be mentioned that subsequently on a different matter Sri Khedaru Bhar seems to have been dismissed by an order dated 26th August, 1964 on account of certain misconduct and with which we are not concerned.

Findings:—

5. *Issue No. 1.*—The dispute in conciliation was taken up by this Union, Khan Mazdoor Congress. The employers have nowhere challenged that the Union was not competent. Even in the statement of claim nothing specific was stated. The only objection taken was that the dispute is of an individual nature. That makes little difference if it is sponsored by the Union. Sri Khedaru has stated that he was a member of the Union and had been so throughout. There is nothing to controvert it. The dispute is thus an industrial dispute.

6. *Issue No. 2.*—The case that Sri Khedaru Bhar was denied employment and he had been reporting for duty since 26th February, 1964 is for more reason than one a false case. Sri Khedaru came in evidence and stated that he was treated at colliery hospital for five or six days. When he wanted fitness certificate, the Doctor told him that he had been directed by the Labour Officer not to issue such a certificate. He approached the Labour Officer who directed him to meet the Agent and the Agent in turn sent him to the Manager. The Manager desired him to give up the Union membership to which he was not agreeable and therefore he was denied employment throughout. This is all a cock and bull story. There is no indication whatsoever of this story either in the written statement or in any of the communications sent by the Union to the Conciliation Officer. The written statement simply stated in para 4 that Sri Khedaru Bhar

fell sick on 24th February and wanted to resume duties from 26th February, 1964 only after two days and not after five or six days as stated by Sri Khedaru Bhar in his deposition. Further there is no indication in the written statement that he was injured while working in the mine. There is also no suggestion that he approached the Doctor, Labour Officer, Agent and the Manager, and he was asked by the Manager to give up membership of the Union. The communications sent by the Union to Conciliation Officer are dated 11th March, 1964 (Ex. W/2) and 24th April, 1964 (Ex. W/1). In none of them there is any indication of the case as stated by Sri Khedaru in his statement. In letter dated 11-3-64 (Ex. W/2) it was conveniently stated that after he became fit Sri Khedaru wanted to rejoin duties and had been reporting every day for the last one week which means from about 3rd March, 1964. By communication dated 24-4-64 (Ex. W/1) the Union demanded sick khoraki from 24-2-64 to 3-3-64. This means that according to Union Sri Khedaru was sick upto 3rd March, 1964. This case is in variance with what has been stated in the written statement wherein he is said to have been reporting for duty from 26-2-64. The facts appear to be that he had left for his home village and was not available. This inference is supported by the statement of the Doctor as recorded in the domestic enquiry in which he stated that when Sri Khedaru Bhar did not turn up he went to his quarter on 29-2-64 and 2-3-64 and he was not found. He was reported to have gone home. To the similar effect was the statement of the Peon, Sri Sadanand Rai, in the domestic enquiry. When charge-sheet was sent to him through Peon Book he was not found at the quarters as is borne out by the Peon Book and the endorsement dated 9-3-64 in the writing of the peon, Sri Tahal, Ram, that he was not found at home. The statement of Sri B. Mukherji, Labour Officer, is clear and specific. According to him, Sri Khedaru had all along been absent and when charge-sheet could not be served because he was not at his quarter it was sent under registered post to his home address. The plea that he had been reporting for duty from 26-2-64 or even after 3-3-64 is without substance and must be rejected. It is, therefore, held that Sri Khedaru himself had been absenting without authorised leave till he was charge-sheeted on 9-3-64.

7. Issue No. 3.—There is absolutely no substance in the allegation that the charge-sheet dated 9-3-64 was mala fide. Sri Khedaru was not a prominent member of the Union. His statement that he was asked by the Manager to give up Union membership is a fantastic assertion which has not at all been indicated at any stage earlier by him or by the Union. Had the intention of the management been mala fide, it was easy for them to dispense with his services after the report of the Enquiring Officer who had found the charges proved and had actually recommended dismissal. The management took a lenient view and treated the period of absence as dies-non. This fact by itself demolishes the argument that there was any mala fide intention on the part of the management.

8. As far the enquiry it is clear that to the charge-sheeted Sri Khedaru had sent a reply dated 21-3-64 (Ex. E/3). He had been served with the notice as is proved by the notice dated 24-3-64 (Ex. E/5) and the postal receipt (Ex. E/6). There is a categorical statement of Sri B. Mukherji, Enquiry Officer, that Sri Khedaru was present in the enquiry held on 28-3-64 and witnesses were examined in his presence. He, however, refused to append his signature. The statement of Sri Khedaru to the contrary cannot be believed. The evidence recorded by the Enquiry Officer was sufficient to hold the charge of absence without leave proved against Sri Khedaru. It is, therefore, held that neither the charge-sheet nor the enquiry was mala fide.

9. Issue No. 4.—The subsequent dismissal of Sri Khedaru with effect from 31-8-64 as a result of a later charge-sheet is of no consequence. The reference relates to the period 26-2-64 to 17-4-64 which has been treated as dies-non.

Decision

It is, therefore, held that the management was justified in treating the period in question as 'dies-non' and the workman is not entitled to any relief. No order for costs.

(Sd.) G. C. AGGARWALA,
Presiding Officer,
20-3-68,
[No. 2/67/64-LRII.]

New Delhi, the 19th April 1968

S.O. 1488.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Shaw Wallace and Company Limited, Parasia and their workmen, which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.**

Dated March 18, 1968

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

CASE REFERENCE No. CGIT/LC(R) (126) of 1967

PARTIES:

Employers in relation to M/s. Shaw Wallace and Company Limited, Parasia, Distt., Chhindawara (M.P.).

Vs.

Their workmen represented through the M.P. Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta, Parasia.

APPEARANCES:

For employers.—S/Sri Sardar Ujagar Singh and V. M. Thakuraaney, Labour Officer and Chief Personnel Officer of the concern.

For workmen.—S/Sri K. B. Chougule, Secretary Indian National Mines Workers Federation and V. N. Dutta General Secretary, M.P.R. Koyla Khandan Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Chhindwara (M.P.).

AWARD

By Notification No. 5/32/67-LR-II dated 26th August, 1967, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference for adjudication:—

Matter of Dispute

Whether the management of Messrs Shaw Wallace and Company Limited, Parasia is justified in transferring the Electrical Workshop from Barkui to the Central Workshop at Chandametta and introducing two shifts from 7-00 A.M. to 3-00 P.M. and 3 P.M. to 11-00 P.M. without providing the necessary facilities to the workers; if not to what relief are the workmen entitled?

2. The facts are that M/s. Shaw Wallace and Company Ltd., have eight collieries in this coalfield. They had an Electrical Workshop at Barkui and Central Mechanical Workshop at Chandametta, the two being separated by about three kilometers. In June, 1964 they decided to shift their Electrical Workshop from Barkui to the premises of Chandametta Central Workshop. Most of the workers in the Electrical Workshop were residents of Barkui. The Union raised objection and it appears that as a result of discussions between the Union and the Electrical Engineer there was a mutual settlement and the working hours were fixed from 9 A.M. to 5 P.M. with usual lunch interval. Before that, in Barkui the working hours were 7 A.M. to 12 A.M. and 2 P.M. to 5 P.M. There were no shift workings in Barkui before the transfer. In the past, however, there were two shifts, one from 8-30 A.M. to 2-30 P.M. the second from 2-30 P.M. to 10-30 P.M. as also a general shift from 6-30 A.M. to 12 A.M. and 2-30 P.M. to 5 P.M. as would appear from notice (Ex. E/1). After the shifting of the Electrical Workshop to the Central Workshop at Chandametta one general shift continued to function as a result of mutual bilateral understanding. The employers now in June, 1967, decided to amalgamate the Electrical Workshop with the Mechanical Workshop and place the two departments under one Manager, Sri D. S. Grewal. It therefore gave a notice under Section 9A I.D. Act dated 22nd June, 1967, (Ex. E/4) intimating that with effect from 17th July, 1967, there would be two shifts for workers of Electrical Workshop, the first shift being from 7 A.M. to 5 P.M. and the second shift from 3 P.M. to 11 P.M. with the usual lunch interval. The Union,

M.P. Rashtriya Koyla Khandan Mazdoor Sangh, Chandametta challenged this notice and approached the conciliation machinery by communication dated 26th June, 1967 contending that this was highly inconvenient to the workers who have to travel from long distances. The early working of the first shift and the late ending of the second shift involved excessive and unnecessary strain and entailed heavy additional expenses for food etc. The Union pressed that there should be no change in the working hours and there was no justification for splitting one shift into two shifts. As the failure report would show, the Conciliation Officer required the management to participate. On 17th July 1967 the date from which the change was sought to be brought about, the management's representative and the Union agreed that till the dispute was adjudicated, the workers would come to the changed timings under protest and without prejudice to their rights. The workers, therefore, have been working in two shifts. It may be mentioned that out of 73 workers 61 are in the first and only 12 are in the second shift. It may also be stated that majority of the workers are residents of Barkui and others reside at different places.

3. The management contended that the change in working hours have been brought about after a due and valid notice for which they had a right. No prejudice has been caused to workers as the working place remained the same. Total working hours and holidays and all other conditions of service were not at all altered. A legal objection was also taken that there was no dispute in the transference of the Electrical Workshop from Barkui to Central Workshop Chandametta that having been affected in 1964 and that there is no dispute left now as the workers have been adhering to the changed timings.

4. On the pleadings of the parties the following additional issues were framed on 5th December 1967:—

Addl. Issues

- (i) Whether there was no dispute for transference of Electrical Workshop from Barkui to Central Workshop Chandametta and the reference about this part is bad in law?
- (ii) Was the change in the shift hours brought about during conciliation proceedings, and contravened Section 33 I.D. Act? If so its effect?
- (iii) Whether the change has caused inconvenience and hardship to workers; if so, to what relief are they entitled?

Findings:—

5. *Issue No. 1.*—As the facts stated above would show there is really no dispute about the transference of the Electrical Workshop from Barkui to Central Workshop Chandametta this having been brought about in 1964 by means of notice dated 6th June, 1964 (Ex. E/2). The Union at that time held discussions with the management as would appear by letter of the Dy. Chief Mining Engineer dated 30th May, 1962 (Ex. W/2) and the Union's letter dated 13th June 1964 (Ex. W/6). As a result of discussions and negotiations, it appears that the workers agreed to the shifting of the Electrical Workshop from Barkui to Chandametta and the working hours into one general shift from 9 A.M. to 5 P.M. was agreed by the management. Whatever controversy may have been existing then was resolved. There is no dispute for shifting of the Workshop from Barkui to Chandametta. Actually speaking, the complaint of the Union neither in the conciliation nor before this Tribunal, is in respect of the transfer of the Electrical Workshop from Barkui to Chandametta. The real grievance is the splitting of the general shift into two shifts and making inconvenient timings in the shifts. That being so, the first part of the issue regarding the justification of the transfer of Electrical Workshop from Barkui to Chandametta Workshop at Chandametta is rather unhappily worded. As observed already this had been accomplished and submitted by the workers as far back as 1964. The unhappy phraseology used in the issue under reference, however, does not affect the merit of the controversy which is covered by the second part of the order regarding introduction of two shifts and the timings thereof. This is a really the subsisting issue which will have to be adjudicated upon and simply because the first part of the issue is not happily worded will not make the second part bad in law which is a living issue. The workers agreed to the changed timings in two shifts only under protest subject to the result of the adjudication as is clear by Ex. W/5. The issue is held accordingly.

6. *Issue No. 2.*—Whether the change has been brought about during conciliation proceedings and thereby contravening Sec. 33 I.D. Act does not affect the reference. If the employers contravened the provisions of Sec. 33 they have

made themselves liable for prosecution but so far as the reference is concerned, the fact would be immaterial. The question is, therefore, left open lest it should prejudice either party.

7. *Issue No. 3.*—The employers have given no justification or at least a plausible explanation why one general shift has been divided into two rotating shifts. The only reason which is mentioned in the notice (Ex. E/4) is that "consequent upon appointment of Shri D. S. Grewal as Manager, Engineering & Stores, and due to administrative convenience it has been decided to amalgamate Electrical Workshop with Mechanical Workshop..... and shift working hours were brought in line with the working hours of the Mechanical Workshop." This was an unilateral act on the part of the management. When the Electrical Workshop was shifted to the premises of Central Mechanical Workshop at Chandametta, workers agreed to the change because the management agreed for convenient timings and one general shift was accepted by both. The action of the management to resort to unilateral action by splitting the general shift into two rotating shifts with highly inconvenient timings has hardly any justification. It is obvious that this has been done more for administrative convenience and in particular to suit the convenience of Sri D. S. Grewal ignoring the interest and convenience of the workers of Electrical Workshop. There was a good deal of difference about the distance of various places where workers reside from Chandametta Workshop and I made a spot inspection on 10th March, 1968. The distance of Barkui where most of the workers reside was found to be 3 Kms. Among other places Jatachapa was found 7 Kms., Bhamori 5 Kms. Eklehra 6½ Kms. Bhanjipani 5 Kms. and North Chandametta was found to be 7 Kms. away from the Central Workshop. These are places where some of the workers reside. There is one residing at Junnardeo which is about 14 miles away from the Central Workshop. The workers by the changed timings are manifestly highly inconvenienced. For the first shift they have to reach by 7 A.M. and have to manage their own lunch which they have either to bring stale or have to manage by spending at Chandametta. The second shift is still more inconvenient which runs at 11 P.M. in the night. Those working in the second shift have to traverse long distances at dead of night. Why this splitting in two shifts was necessary for administrative convenience has not been explained by any evidence whatsoever. The Electrical Workshop is a separate department and located in a separate building and has nothing in common with the Mechanical Workshop. The only combining factor is that they are located in the same premises. Even though the employers may have had a legal right to bring about change in working hours by notice under Sec. 9A yet when a shift timings had been agreed upon by mutual settlement when the Electrical Workshop was shifted to the Central Workshop at Chandametta, the employers have no justification to resort to an unilateral action unmindful of the inconveniences to which the workers are being subjected by the division of general shift into two shifts and making the shift timings highly inconvenient. As a matter of fact, no explanation has been given why two shifts are necessary for running the Electrical Workshop. It is significant to note that the second shift has only a complement of 12 workers who can all be easily absorbed in the first shift as was before the splitting. It must, therefore, be held that the change has caused inconvenience and hardship to workers.

8. As to what relief the workers are entitled the management are liable to compensate workers till they revert back to the old timings. The workers submitted to the changed timings under protest and without prejudice to their rights. The Union had demanded a sum of Rs. 75 per month to each worker till the old timings are reverted back or facilities like accommodation and uniformity of wages with the workers of Mechanical Workshop are given by the employers. I think compensation at the rate of Rs. 2 per diem per worker for the number of days he actually worked from 17th July 1967 would be an ample recompense both for his physical inconvenience and food difficulty. The management must revert back to the old timings of one shift till they are able to provide adequate residential quarters at Chandametta.

Decision

1. For the issue under reference there is no dispute for the justifiability of transferring the Electrical Workshop from Barkui to Central Workshop at Chandametta as stated in the first part of the issue, that having been brought about in 1964 and the dispute then was resolved.

2. For the second part of the issue under reference the management is not justified in introducing the two shifts from 7 a.m. to 3 p.m. and 3 p.m. to 11 a.m. It is, therefore, directed that the management will revert back to the old timings

of one general shift for workers of the Electrical Workshop. The employers will also pay compensation to each worker at the rate of Rs. 2 per diem for the days he actually worked till the timings are reverted. The management is further directed that there will be no revision of timings without settlement with the workers or the Union and till suitable accommodation is provided to those workers who are not residents of Chandametta. The Union will be entitled to Rs. 100 as costs from the employers.

(Sd.) G. C. AGARWALA,
Presiding Officer.
19-3-1968.

[No. 5/32/67-LR. II.]

S.O. 1489.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Rawanwara Colliery of Messrs. Amalgamated Coal Fields Limited, namely, Shaw Wallace and Company Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 16th April, 1968.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

Dated, April 2, 1968

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

CASE No. CGIT/LC(R)(125) of 1967.

PARTIES:

Employers in relation to Rawanwara Colliery of Messrs. Amalgamated Coal Fields Limited namely, Shaw Wallace and Company Limited, Post Office, Parasia, District Chhindwara (Madhya Pradesh),

Vs.

Their workmen represented through the General Secretary, M. P. Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta, P.O. Parasia, District Chhindwara (M.P.).

APPEARANCES:

For employers—Sardar Ujagar Singh, Labour Officer.

For workmen—Sri V. N. Dutta, General Secretary of the Union.

INDUSTRY: Coal Mine.

DISTRICT: Chhindwara (M.P.)

AWARD

By Notification No. 5/20/67-LR-II dated 2nd September, 1967, the following matter of dispute was referred to this Tribunal for adjudication:—

Matter of Dispute

Whether the employers in relation to Rawanwara Colliery namely, Messrs. Shaw Wallace and Company Limited, Parasia, District Chhindwara (Madhya Pradesh), are justified in transferring Shri Bachoo from Rawanwara Colliery of Messrs. Amalgamated Coal Fields Limited to Chandametta Colliery of Pench Valley Coal Company Limited with effect from the 26th November, 1966 and subsequently stopping from work; if not to what relief is the workman entitled?

2. Messrs. Shaw Wallace and Company Limited, Parasia, are Managing Agents of two incorporated Companies, Amalgamated Coal Fields Limited and Pench Valley Coal Company Limited. Amalgamated Coal Fields Limited are owners of Rawanwara Colliery and Chandametta Colliery belongs to Pench Valley Coal Company. The workman concerned, Sri Bachoo was employed in Rawanwara Colliery and was transferred to Chandametta Colliery by the management Messrs. Shaw Wallace and Company. Sri Bachoo did not submit to the transfer order and the Union M. P. Rashtriya Koyla Khadan Mazdoor Sangh took up the dispute

contending that he could not be transferred under the Standing Orders to Chandametta which belongs to another Company, even though the Managing Agents are the same. Conciliation having failed dispute resulted in this reference in due course.

3. On pleadings of the parties, certain additional issues were framed on 5th December, 1967. One of the pleas raised by the employers was that the dispute is not an industrial dispute inasmuch as Sri Bachoo was not a member of the Union at the relevant time. The Union was directed to produce Membership Register and Counterfoil receipts for the year 1966 and 1967. The Union representative stated that the Membership Register and Counterfoils had been filed in another case before this Tribunal, case No. 123/67. For Membership Register and Counterfoils for the year 1967, he stated that the same had been sent for audit to Registrar, Trade Unions. Sri Bachoo, however, in his evidence filed two subscription receipts for the year 1967-68. For the year 1966, he stated that he had no receipt with him. I have examined the Membership Register in presence of the Union representative who was required to show the name of workman concerned in the register of membership. For Rawanwara Colliery at page 94 it appears that there were 57 members. He could not find the name of Sri Bachoo as one of them and admitted that neither from the register nor from the counterfoils filed in that case he could show that Sri Bachoo was a member of the Union in the year 1966. It is evident that he was not a member of the Union at that time and obviously for this reason he could not produce the subscription receipt. It may be noted that the employers had raised a specific plea about it in conciliation also. The Union having failed to show membership of Sri Bachoo on the date of the transfer, they had no right to sponsor the dispute. Even if membership is assumed to have been so at the time of reference it will not make the dispute an industrial dispute. Both the dates are material and relevant, namely, the date of cause of action and the date of reference. Since Sri Bachoo was not a member of the Union at the time of transfer, the dispute raised by the Union does not become an industrial dispute and this Tribunal has no jurisdiction to adjudicate. Without going into the merits, the reference is answered accordingly.

(Sd.) G. C. AGARWALA,
Presiding Officer.
2-4-1968.

[No. F. 5/20/67-LR.II.]

ORDERS

New Delhi, the 6th April 1968

S.O. 1490.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Western Kajora Colliery, Post Office Raniganj, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Western Kajora Colliery, Post Office Raniganj, District Burdwan was justified in stopping from work with effect from the 14th September, 1967, the following workmen:—

- (1) Shri Prabhu Jado; (2) Shri Umakar Singh; (3) Shri Mewalal Pasi;
- (4) Shri Sri Singh; (5) Shri Raghunath Pasi; (6) Shri Shankar Harijan; (7) Shri Jagannath Pasi?

If not, to what relief are they entitled?

[No. 6/18/68-LR.II.]

New Delhi, the 16th April 1968

S.O. 1491.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Western Kajora Colliery, Post Office Raniganj, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

Whether the management of the Western Kajora Colliery, Post Office Raniganj was justified in stopping of Shri Jaiku Bin, Pick-Miner from work with effect from the 14th August, 1967? If not, to what relief is the workman entitled?

[No. 6/6/68-LRII.]

S.O. 1492.—Whereas the employers in relation to the Parbelia Colliery of Messrs Bengal Coal Company Limited, Post Office Disergarh, District Burdwan and their workmen represented by the Colliery Mazdoor Union Parbelia Colliery Branch, Post Office Neturia, District Purulia, have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for reference to a Tribunal of an industrial dispute that exists between them in respect of the matter set forth in the said application and mentioned in the schedule hereto annexed;

And, whereas the Central Government is satisfied that the persons applying represent the majority;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissals of Shri Ajodhya Thakur, Fan Khalasi and Shri Dhaneswar Nunia, Wagon Shunter by the management of Parbelia Colliery with effect from the 12th April, 1967 and 22nd April, 1967 respectively, were justified? If not, to what relief are the workmen entitled?

[No. 6/17/68-LRII.]

S.O. 1493.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan was justified in terminating the services of S/Shri Kanai Lal Roy and Sushanta Kumar Sorcar, Electricians with effect from the 19th December, 1967?

If not, to what relief are these workmen entitled?

[No. 6/30/68-LRII.]

New Delhi, the 17th April 1968

S.O. 1494.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the management of Newton Chickli Colliery, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Newton Chickli Colliery Limited Parasia, was justified in terminating the services of their workman Shri Raghunath, Clipman from the 13th December, 1966? If not, to what relief is he entitled?

[No. 5/18/68-LRII.]

New Delhi, the 18th April, 1968

S.O. 1495.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Colliery of Ballarpur Colliery Company Limited Post Office Ballarpur, District Chanda (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ballarpur Colliery, Post Office Ballarpur District Chanda (Madhya Pradesh) has obtained resignation from Shri Baburao Tukaram Wankhede, Haulage Mazdoor fraudulently? If so, to what relief is the workman entitled?

[No. 3/7/68-LRII.]

New Delhi, the 19th April 1968

S.O. 1496.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Colliery of Ballarpur Colliery Company Limited, Post Office Ballarpur, District Chanda (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ballarpur Colliery, Post Office Ballarpur, District Chanda (Madhya Pradesh) has fraudulently obtained the thumb impression of Shri Sitaram son of Shiva, Haulage Mazdoor, on the letter of resignation? If so, to what relief is the workman entitled?

[No. 3/6/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th April 1968

S.O. 1497.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following further amendments in the notification of the Government of

India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1098, dated the 23rd March, 1967, namely:—

In the Table appended to the said notification—

- (a) in item I after serial No. 3, the following serial No. shall be inserted, namely:—

“3A. Officer on Special Duty in the Office of the Chief Labour Commissioner (Central).”

- (b) in item III—

(i) against serial No. 3, for the word “Shillong” the word “Gauhati” shall be substituted;

(ii) against serial No. 8, for the word “Lumding” the words “Lumding/ Tinsukia” shall be substituted.

- (c) in item IV, after serial No. 9, the following entry shall be added, namely:—

“10. Labour Enforcement Officer (Central) Salem”.

- (d) for item V and the entries relating thereto, the following item and entries shall be substituted, namely:—

--V

The State of Madhya Pradesh

1. Regional Labour Commissioner (Central), Jabalpur.
2. Assistant Labour Commissioners (Central), Jabalpur.
3. Assistant Labour Commissioner (Central), Bilaspur.
4. Assistant Labour Commissioner (Central), Chhindwara.
5. Labour Enforcement Officers (Central), Jabalpur.
6. Labour Enforcement Officer (Central), Parasia.
7. Labour Enforcement Officer (Central), Ratlam.
8. Labour Enforcement Officer (Central), Raipur.
9. Labour Enforcement Officer (Central), Balaghat.
10. Labour Enforcement Officer (Central), Chirimiri.
11. Labour Enforcement Officer (Central), Satna.
12. Labour Enforcement Officer (Central), Bhopal.
13. Labour Enforcement Officer (Central), Jhansi.
14. Junior Labour Inspector (Central), Parasia.

- (e) in item VI, after serial No. 15, the following entry shall be inserted, namely:—

“15A Labour Enforcement Officer (Central), Dehradun”.

- (f) for item VII and the entries relating thereto, the following item and entries shall be substituted, namely:—

“VII

The State of Bihar

1. Regional Labour Commissioner (Central), Dhanbad.
2. Assistant Labour Commissioners (Central), Dhanbad.
3. Assistant Labour Commissioner (Central), Hazaribagh.
4. Assistant Labour Commissioner (Central), Patna.
5. Assistant Labour Commissioner (Central), Chaibasa.
6. Labour Enforcement Officers (Central), Dhanbad.
7. Labour Enforcement Officer (Central), Ranchi.
8. Labour Enforcement Officer (Central), Patna.
9. Labour Enforcement Officer (Central), Katrasgarh.
10. Labour Enforcement Officer (Central), Koderma.
11. Labour Enforcement Officer (Central), Muzaffarpur.
12. Labour Enforcement Officer (Central), Giridih.
13. Labour Enforcement Officer (Central), Pakur.
14. Labour Enforcement Officer (Central), Jharia.
15. Labour Enforcement Officer (Central), Bhagmara-I.
16. Labour Enforcement Officer (Central), Bhagmara-II.
17. Labour Enforcement Officer (Central), Chirkunda.
18. Labour Enforcement Officer (Central), Hazaribagh.
19. Labour Enforcement Officer (Central), Kirikend.
20. Labour Enforcement Officer (Central), Patherdih.
21. Labour Enforcement Officer (Central), Chaibasa.
22. Labour Enforcement Officer (Central), Bermo.

23. Labour Enforcement Officer (Central), Kathiar.
24. Labour Enforcement Officer (Central), Domchanch.
25. Labour Enforcement Officer (Central), Dehri-on-Sone.
26. Junior Labour Inspector (Central), Katrasgarh.
27. Junior Labour Inspector (Central), Hazaribagh.
28. Junior Labour Inspector (Central), Dhanbad.
29. Junior Labour Inspector (Central), Daltanganj.

(g) in item VIII, after serial No. 4, the following entry shall be inserted, namely:—

“4A. Assistant Labour Commissioner (Central), Vijaywada.”

[No. LWI(I) 2(3)/67.]

C. R. NAIR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th April 1968

S.O. 1498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Bombay, in the Industrial dispute between the employers in relation to Messrs Jeena and Company, Bombay and their workmen, which was received by the Central Government on 11th April 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE NO. CGIT-18 OF 1967

PARTIES:

Employers in relation to Messrs. Jeena & Co., Bombay

AND

their workmen.

PRESENT:

Shri A. T. Zambre,—Presiding Officer.

APPEARANCES:

For the employers.—Shri L. C. Joshi, Labour Adviser and Shri C. V. Pavaskar, Assistant Labour Adviser.

For the workmen.—Shri S. R. Wagh, Advocate.

STATE: Maharashtra.

INDUSTRY: Ports and Docks (Clearing and Forwarding)

Bombay dated 30th March, 1968

AWARD

The Government of India in the Ministry of Labour and Employment have by their order No. 28(46)/67-LRIII dated 23rd June 1967 referred to this Tribunal for adjudication the industrial dispute between the employers in relation to Messrs. Jeena and Company, Bombay and their workmen in respect of the matter specified in the following schedule:—

SCHEDULE

“Whether the action of the management of Messrs. Jeena and Company, Bombay, in dismissing Shri A. G. Potdar, Dock/Custom/Export Clerk from service with effect from 4th February, 1967 was justified? If not, to what relief is he entitled?”

2. After the receipt of this reference notices were issued to the parties and from the statements it appears that the dispute has arisen under the following circumstances:—

The employers viz., Messrs Jeena & Co., Bombay, carry on the business of clearing, forwarding and travel agents and the workman Shri Potdar who has been in their employ since 1954 had been working as a customs clerk. He has alleged

that the company had by their letter dated 10th January 1966 abruptly terminated his services on flimsy grounds but his union protested against the action of the management and sought the good offices of the Regional Labour Commissioner and the company had reinstated him without any break in service but from that episode they entertained malice towards him and were hankering for his removal from service.

3. He has alleged that his service record with the company was clean and good. He was honest and carried out his duties diligently and honestly. The expenses incurred and claimed by him in the course of completion of the job entrusted to him were in fact less in comparison to the expenses claimed by other employees for handling identical jobs and there was absolutely no justification for charging him for preferring false claims. The company by its letter dated 5th January 1967 levelled against him charges of claiming exaggerated expenses and making false claims, preferring overtime work claims without doing overtime work, behaving rudely and negligence and suspended him and held an enquiry. It has been further alleged that at the enquiry he was not given adequate opportunity to defend himself or to cross-examine the witnesses and the domestic enquiry was not conducted fairly and properly and it was not in consonance with the principles of natural justice. The workman was a loyal and obedient worker but the company levelled against him baseless charges and the order of dismissal issued against him was illegal and improper and the same should be set aside and he should be reinstated.

4. The employers by their statement in reply have alleged that the workman was found in the habit of claiming exaggerated expenses and was warned in the past by his superiors not to do so. However, he persisted in his ways of making false claims in respect of the expenses purported to have been incurred by him and in respect of overtime work. He also behaved rudely with his superiors and was negligent in the discharge of his duties. So the management decided to hold an enquiry. The workman was served with the charge-sheet dated 5th January 1967. His explanation in respect of the charges was found unsatisfactory. So the management appointed the Accountant as the Enquiry Officer who held the enquiry on the 18th and 27th January 1967. Some four witnesses were examined before him who had produced various documents and memoranda and the enquiry officer after considering the evidence came to the conclusion that the workman had failed to carry out his duties diligently and honestly. It was found that he had intentionally and repeatedly overcharged the company in respect of the expenses incurred by him and he also put expenses in his memos which were not incurred and thus tried to cheat the company.

5. The employers have denied the allegations about the defects in the enquiry and have contended that the workman was given by the enquiry officer full opportunity to meet his case. But he did not cross-examine the witnesses nor did he lead any evidence though specifically informed. The enquiry officer had carefully considered the evidence and weighing the same concluded that Shri Potdar had not carried out his duties diligently and honestly and had tried to cheat the company.

6. After the enquiry the enquiry officer made a report. The management agreed with his findings and by their order dated 4th February 1967 dismissed him from service with immediate effect asking him to collect his statutory dues from the office.

7. It appears that the matter was not settled before the Conciliation Officer (Central) and hence the dispute has been referred to this Tribunal.

8. The management has along with its statement produced the charge-sheet and the papers of the domestic enquiry held against the workman. At the time of the hearing they have also produced a letter issued to the workman during the enquiry. The workman has not produced any document. Both the parties have not led any oral evidence but wanted to rely only upon the record of the enquiry and have requested the Tribunal to first consider the question whether the enquiry was held in consonance with the principles of natural justice and whether it was unfair, defective and illegal and if it is held that the enquiry was not proper and should be re-opened then alone the parties would lead evidence.

9. It is not in dispute that the employers have first served the workman with a charge-sheet dated 5th January 1967 giving all the particulars regarding the allegations and subsequently held a domestic enquiry and though the dispute has

been referred to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, considering the scope of the enquiry the Tribunal has first to see whether the domestic enquiry was in consonance with the principles of natural justice. It has been held in the ruling reported in 1958 I LLJ page 260 (Indian Iron and Steel Company Ltd., and another and their workmen).

"Undoubtedly the management of a concern has power to direct its own internal administration and discipline; but the power is not unlimited and when a dispute arises, industrial tribunals have been given the power to see whether the termination of service of a workman is justified and to give appropriate relief. In cases of dismissal on misconduct, the tribunal does not however act as a court of appeal and substitute its own judgment for that of the management. It will interfere (i) when there is a want of good faith (ii) when there is victimisation or unfair labour practice (iii) when the management has been guilty of a basic error or violation of a principle of natural justice and (iv) when on the materials the finding is completely baseless or perverse."

Similarly it has been held in the ruling reported in 1965 II LLJ page 153 (J.K. Cotton Spinning and Weaving Company Ltd., and their workmen):—

"It has been pointed out time and again that an industrial tribunal to which a dispute arising from dismissal of an industrial employee has been referred for adjudication is not an appeal court having the power to examine the correctness of the conclusions of fact arrived at by a domestic tribunal and where the action taken against the workman was not actuated by any ulterior motive and where the principles of natural justice have not been infringed, it is beyond the powers of an industrial tribunal to set at naught the action taken by the management which lay within its competence under the standing orders. Whether the material before the domestic tribunal was adequate or not or whether the particular witnesses upon whom reliance was placed by the tribunal should have been believed or not was entirely a matter for the consideration of the domestic tribunal. The industrial tribunal while adjudicating upon an industrial dispute referred to it does not possess the power of reviewing the evidence adduced before the domestic tribunal or of taking fresh evidence before it except in the limited class of cases as referred to in the decision in 1959 I LLJ 285."

In view of these rulings it is clear that this Tribunal has to examine the record and find first whether the domestic enquiry has been held properly and whether there were *mala fides* or unfair labour practice and the question of leading evidence in support of the contention about the misconduct itself would depend upon the finding.

10. Though the union has in the statement of claim made allegations about malice, unfair labour practice and victimisation at the time of hearing no arguments have been advanced and the action of the management in dismissing the workman has been challenged mainly on the contention that the domestic enquiry was not held in accordance with the principles of natural justice. It was defective and the whole enquiry should be reopened and I shall first consider the contentions about the enquiry.

11. The learned Counsel for the workman has contended that the enquiry officer who has found the workman guilty was not competent to hold the enquiry. It is alleged that the enquiry officer Shri Patel who was the Accountant of the management was the same officer who had issued the charge-sheet against the workman. The management had appointed him as the enquiry officer and the officer who had levelled the charges against the workman was incompetent to hold the enquiry and the same is bad. It is clear that the letter dated 5th January 1967 which is the alleged charge-sheet against the workman is signed by Shri J. P. Patel, the Accountant. It is also not in dispute that the enquiry has been held by Shri Patel, Accountant. However, I do not think that this circumstance will render the enquiry bad in law. The charge-sheet commences with the allegation—

"The management views with great concern the way in which you are doing your work in the office."

and thereafter they have given the various allegations against the workman. It is not in dispute that the employee who was a customs clerk was working under the departmental head Shri Thadani. The enquiry officer, the Accountant had knowledge only about the record and the figures recorded in the books or the amounts actually taken by the workman from him. He was not the superior officer of the workman who was working in another department. The Accountant had nothing to do with the allegations and he signed the charge-sheet as he was in charge of the staff. He signed it on behalf of the company and I do not think that the enquiry held by him would in any way be improper. It appears that the witnesses were examined on two days 18th January 1967 and 27th January 1967. Nothing has been alleged personally against the enquiry officer. There is absolutely nothing to show that he was biased or had been prejudiced. He was also not interested and I do not think that the enquiry officer Shri Patel was incompetent to hold the enquiry and this contention cannot be accepted.

12. Learned Counsel on behalf of the union has contended that the workman was not given sufficient opportunity to meet the case against him. He has alleged that the enquiry officer did not permit the workman to cross-examine the witnesses. He did not let himself put the questions to the witnesses in cross-examination. The enquiry officer himself put the questions and it has prejudiced the case of the workman. It has been further contended that at the time of the examination of the witnesses all the witnesses were sitting together and the procedure followed was not proper.

13. I do not find any substance in these contentions also. The workman did not cross-examine the witnesses. The enquiry officer in his report itself has stated:—

“The details of the proceedings of both these days are attached herewith signed by the undersigned who conducted the enquiry and at which enquiry Shri Thadani, Shri Fernandes and Shri Potdar were present and all three of whom have also signed about the correctness of the proceedings. Shri Potdar was offered an opportunity to cross-examine the company's witnesses but Potdar declined”.

Had the workman not been permitted to cross-examine he would not have signed the proceedings.

14. Learned Counsel has invited my attention to page 2 of the proceedings dated 27th January 1967 and has submitted that the questions and answers would show that the workman was not allowed to cross-examine the witnesses. This portion is as follows:—

“Q. Mr. Potdar, are all questions which I have asked Mr. Pai correctly answered?

A. Some questions are correctly answered, and I may be allowed to ask Mr. Pai some questions.

Mr. Patel asked Mr. Potdar wherever the answers of Mr. Pai are not correct you let me know and I will ask.”

It appears that the enquiry officer asked the workman the question and himself put it to the witness which is like an interpreter and it cannot be said that the workman was not given an opportunity to cross-examine the witness. On the contrary if we see the next question after the above discussion it will show that Shri Potdar took part in the enquiry—

“Q. Potdar asking question—Was Mr. Pai receiving money from me only or also from Mr. Shaikhali/Mr. Sarang/Mr. Vagal on my behalf?

A. Mr. Pai's reply—Mr. Potdar is correct—he used to receive money from the above persons also on behalf of Mr. Potdar.

This shows that whenever Shri Potdar wanted the question was put by the enquiry officer and there is no illegality.

15. From the enquiry papers it appears that the enquiry officer during the course of the enquiry has also put questions to the workman and to the witnesses and it has been argued that the procedure followed was not proper. It appears that the enquiry officer had in the beginning itself put some questions to the

employee. However, all these questions are in respect of the charges against him. The very first question is—

"It is alleged that your memos of expenses are exaggerated and you are including the items of expenditure which you have not actually spent."

After some questions to the witnesses again some questions have been put to the employee—

Q. "If you contend that the fixed amount is paid to you as travelling expenses, how is it that you charged conveyance in your memos?"

A. I get sanction for such expenditure from the Manager/Departmental Head, etc.

Q. Then how is it you spend your travelling allowance of Rs. 75?

A. I spend for appraiser, examiner....."

and it shows that some of the questions are also in the nature of cross-examination.

16. It is clear that the enquiry officer is not aware of the rules of evidence and Act or the procedure to be followed in criminal trials. However, I do not think that this has in any way prejudiced the case of the employee.

17. The most essential requirements for the validity of a domestic enquiry are that it must be held in consonance with the rules of natural justice and the enquiry officer must not be biased and himself a party to the dispute. I do not think that all the rules of evidence need to be followed in a domestic enquiry. Even leading questions will not invalidate it and there is nothing to show that the enquiry was defective and bad in law. The enquiry report shows that the witnesses Shri Thadani and Shri Pai had produced before the enquiry officer various memos and documents showing that the employee had claimed expenses which were not incurred. They have also produced documents showing that Potdar had prepared memos for bills of lading overcharging the company. The workman was also charged for negligence in carrying out his duty as customs clerk and the enquiry officer has held in paragraph 4 of his report:—

"Regarding Mr. Potdar not processing the documents. Mr. Shaikhali, Head of the Export Section, confirms having given the documents to him, whereas Mr. Potdar denies having received these documents for processing in the Customs. Mr. Thadani however has shown sufficient proof that some of the dockets not only bear Mr. Potdar's initials and dates but on export docket Nos. 3519/66 and ex/3473/66 he has recorded certain entries in his own handwriting. If such is the case Mr. Potdar's denial that he had not received the dockets can be considered as not a statement of fact. Further more Mr. Thadani confirms that these dockets were taken out from Mr. Potdar's drawers in the presence of Mrs. Fernandes which means that Mr. Potdar did receive the dockets and did not process the same. There is no reason to disbelieve Mr. Thadani on this point as from the notings made on the cover of the above files by Mr. Potdar in his own handwriting it is clear that these papers were in fact received by Mr. Potdar and that he did not follow up the same...."

These observations clearly show that the enquiry officer had applied his mind very carefully to the evidence and the record produced before him and came to the conclusion that the workman was guilty of the misconducts charged against him and has observed:—

"Under the circumstances I hold him guilty of the above mentioned charges and I now leave it to the management to decide to take whatever action they wish to take against Mr. Potdar."

18. It is also clear from the book kept by Shri Pai and referred to in the report that in respect of the four memos of charges Nos. 497, 500, 501 and 499 there was only one bill of lading and instead of Rs. 1.12 Shri Potdar has charged Rs. 4.26 i.e. Rs. 3.12 more and by overcharging defrauded the company. The evidence also showed that the plea regarding the expiry of the pass and delivering it to Shri Vaidar for renewal put forth by Shri Potdar was not substantiated. On the contrary Shri Vaidar has denied the allegation and the evidence showed that Shri Potdar was careless and uninterested in the company's work. Thus it is clear from the record that there was a *prima facie* case for dismissal.

19. After the report the management have applied their mind to the papers of the enquiry and have passed the order dated 4th February 1967. They have observed:—

"We have carefully gone through the enquiry proceedings the connected papers and findings of the enquiry officer and concur with the above findings. Each of the charge proved is sufficient to warrant your dismissal from service.

We have gone through your past record of service to see whether there are any extenuating circumstances for imposing lesser punishment but we find none. On the contrary, your record of service discloses that you have been rude to your superiors and also negligent in the discharge of your duties for which you were warned from time to time. In the circumstances it has been decided to dismiss you from service with immediate effect and accordingly we hereby dismiss you from service with immediate effect."

Considering this record I do not find any defect in the enquiry held by the management or the procedure followed and the findings arrived at. The employee had full opportunity to meet the charges levelled against him. By his letter dated 23rd January 1967 the enquiry officer had informed the workman to examine his witnesses in defence. In the letter he has observed—

"If you have got any witnesses to examine your defence or submit further explanation you may do so on that day. In case you fail to attend the enquiry it will be presumed that you have no further explanation to offer."

Nothing has been shown to me which would indicate any defect or want of *bona fides* in the enquiry. I have already observed that though in the statement the union has made allegations about malice, unfair labour practice and victimisation these points have not been argued. The record also does not show any want of *bona fides*. There is no defect in the domestic enquiry. A *prima facie* case or dismissal had been made out and it shall have to be held that the action of the management in dismissing the workman Shri A. C. Potdar with effect from 4th February 1967 was justified. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. Zambre,
Presiding Officer,
Central Government Industrial Tribunal,
Bombay.

[No. 28/46/67-LRIII.]

ORDERS

New Delhi, the 19th April 1968

S.O. 1499.—Whereas an industrial dispute exists between the employers in relation to Messrs D. D. Contractor and Company Private Limited, Bombay and their workmen represented by Transport and Dock Workers' Union, Bombay;

And whereas the said employers and their workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by a written agreement and have forwarded to the Central Government, under sub-section (3) of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 3rd April, 1968.

(Agreement)

Under Section 10-A of the Industrial Disputes Act, 1947

BETWEEN

Names of Parties:

Representing Employer: M/s. D. D. Contractor and Co., Pvt. Ltd., Plot No. 1 Manganese Depot, Bombay-33.

Shri D. K. Contractor, Managing Director.

Representing the Workmen.

Transport and Dock Workers' Union, P. D'Mello Bhavan, P. D'Mello Road, Bombay, 1.

Shri R. A. Pandit, Asstt. Secy.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri V. A. Naik, President Industrial Tribunal, Government of Maharashtra, Old Secretariat Building, Fort, Bombay-1.

(i) Specific matter in dispute:—

"What is the correct interpretation of Para. 1-B of the Consent Award of Shri Salim M. Merchant in reference CGIT No. 41 of 1964, in respect of payment of Dearness Allowance payable on a monthly basis on the piece-rate monthly earnings of the Registered workers employed by M/s. D. D. Contractor and Co., Pvt. Ltd., Bombay from 1st December, 1964, as indicated in the scales of Dearness Allowance in the Award".

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved.

(a) Shri D. K. Contractor, Managing Director M/s. D. D. Contractor and Co. Pvt. Ltd. Plot No. 1, Manganese Depot, Bombay-33.

(b) Secretary, Transport and Dock Workers' Union, P. D'Mello Bhavan, P. D'Mello Road, Bombay-1.

(iii) Name of the union, if any, representing the workmen in question—Transport and Dock Workers' Bombay.

(iv) Total number of workmen employed in the undertaking affected 64.

(v) Estimated number of workmen affected or likely to be affected by the dispute. 64.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of 60 (sixty) days of within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Witnesses:

1. Sd./- K. K. RAMAKRISHNAN.

2. Sd./- V. MATHAL.

For D. K. Contractor & Co., Private Ltd.

1. Sd./- D. K. CONTRACTOR, Managing Director.

2. Sd./- R. A. PANDIT, Transport and Dock Workers Union, Bombay.

3. Sd/- Illigible, President, Transport and Dock Workers Union, Bombay.

[No. 28/27/68/LRIII.]

S.O. 1500.—Whereas the employers in relation to the Bombay Port Trust, Bombay, and their workmen represented by the Bombay Port Trust General Workers Union Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them to a Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed:

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the Masters of harbour tugs in the Port Department of the Bombay Port Trust are entitled to claim overtime at twice the rate of wages including allowances for work done in excess of 9 hours on any date or 48 hours in any week. If not, to what relief are they entitled?

[No. 28(22)/68-LRIIL.]

CORRIGENDUM

New Delhi, the 19th April 1968

S.O. 1501.—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4020, dated the 31st October, 1967 and published in the Gazette of India, Part II, Section 3, sub-section (ii), at page 4203,—

in line 22, after “and”, insert “7-30 A.M. to 12-30 P.M. on Saturdays.”.

[No. 28/96/67-LRIIL.]

C. RAMDAS, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 18th April 1968

S.O. 1502.—In pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby makes the following order to amend the order published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 530, dated the 3rd February, 1964, namely:—

In the said Order,

For the words and figures “31st March, 1968”, the words and figures “30th September, 1968” shall be substituted.

[No. F. 14(22) Comp. & Prop./64.]

A. G. VASWANI,

Settlement Commissioner & *Ex-Officio*, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 19th April 1968

S.O. 1503.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Contributory Provident Fund Rules (India) 1962, namely:—

1. These rules may be called the Contributory Provident Fund (India) Second Amendment Rules, 1968.

2. In the Contributory Provident Fund Rules (India), 1962, in the Fifth Schedule, in paragraph 2, for the entry “The Manager of the Forms Press, Calcutta”, the following entry shall be substituted, namely:—

“The Manager, Government of India Forms Store, Calcutta.”

[No. 37(1)-EV/68-CPF.]

S.O. 1504.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. These Rules may be called the General Provident Fund (Central Services) Second Amendment Rules, 1968.

2. In the General Provident Fund (Central Services) Rules, 1960, in the Fifth Schedule, in paragraph 2, for the entry "The Manager of the Forms Press, Calcutta," the following entry shall be substituted namely:—

"The Manager, Government of India Forms Store, Calcutta".

[No. F.37(1)-EV/68-GPF.]

P. N. MALHOTRA, Under Secy.

(Department of Economic Affairs)

New Delhi, the 10th April 1968

S.O. 1505.—In pursuance of clause (c) of sub-section (1) of Section 21 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates the following persons to be members of the Bombay, Calcutta, Madras, Ahmedabad and Hyderabad Local Boards of the State Bank of India respectively—

Bombay Local Board

Dr. Dasu Ramaswami, B.S., M.S. Ph.D. (Illinois), Managing Director, Vitro Pharma Products (P) Ltd., Bombay.

Calcutta Local Board

Dr. B. N. Sahu, M.Sc., Ph.D., B. Agriculture, Prof. of Agronomy, Utkal University of Agriculture, Bhubaneswar.

Madras Local Board

Dr. S. Krishnamurthy, Managing Director, Banana and Fruit Development Corporation, Madras.

Ahmedabad Local Board

Shri V. M. Patel, B.Sc. (Agriculture), Anand.

Hyderabad Local Board

Shri A. V. Pratap Reddy, H. No. 3-4-828, Barkatpura, Hyderabad.

Shri K. R. Choudary, 8-3-856/5, Ameerpur, Hyderabad-16.

[No. F. 8/93/67-SB.]

New Delhi, the 16th April 1968

S.O. 1506.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Sangli Bank Ltd. Sangli till the 31st December 1968, in so far as the

said provisions prohibit Shri M. K. Gupte, its General Manager (Chief Executive Officer) from being a director of the Spices and Oilseeds Exchange Ltd., Sangli.

[No. F. 15(11)BC/68.]

New Delhi, the 17th April 1968

S.O. 1507.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Bari Doab Bank Ltd., Hoshiarpur, in respect of the properties held by it at Premgarh, Hoshiarpur District, Punjab and at Kotwal, Ferozepur District, Punjab till the 15th March, 1969.

[No. F. 15(10)BC/68.]

New Delhi, the 18th April 1968

S.O. 1508.—Statement of the Affairs of the Reserve Bank of India as on the 12th April 1968.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	15 93,88,000
		1 rupee Coin	1,90,000
Reserve Fund	80,00,00,000	Small Coin	3,63,000
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	Bills Purchased and Discounted	
		(a) Internal
		(b) External
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	(c) Government Treasury Bills	116,64,38,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Balances Held Abroad*	139,60,80,000
		Investments**	122,48,18,000
		Loans and Advances to :—	
		(i) Central Government
		(ii) State Governments@	140,62,26,000
Deposits:—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks†	97,63,42,000
(i) Central Government	51,20,85,000	(ii) State Co-operative Banks††	158,19,53,000
		(iii) Others	5,46,21,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—			
(ii) State Governments	3,64,44,000	(a) Loans and Advances to :—	
		(i) State Governments	31,69,89,000
		(ii) State Co-operative Banks	11,37,89,000
		(iii) Central Land Mortgage Banks
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,93,62,000
(i) Scheduled Commercial Banks	136,03,89,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	6,79,04,000	Loans and Advances to State Co-operative Banks	7,29,79,000
(iii) Non-Scheduled State Co-operative Banks	76,03,000		
(iv) Other Banks	4,46,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	328,09,09,000	(a) Loans and Advances to the Development Bank	6,08,93,000
Bills payable	12,92,49,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	111,96,34,000	Other Assets	61,42,32,000
Rupees	922,46,63,000	Rupees	922,46,63,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 68,45,95,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 17th day of April, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 12th day of April, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	15,93,88,000		Gold Coin and Bullion :—		
Notes in Circulation . . .	3351,88,33,000		(a) Held in India	115,89,25,000	
Total Notes issued . . .		3367,82,21,000	(b) Held outside India	
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		74,28,62,000
			Government of India Rupee Securities		3011,22,34,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		3367,82,21,000	TOTAL ASSETS		3367,82,21,000

Dated the 17th day of April, 1968.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/68.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue & Insurance)

New Delhi, the 20th April 1968

S.O. 1509.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri N. Ganguly, who is a Gazetted Officer of the West Bengal Government to exercise the powers of a Tax Recovery Officer under the said Act in respect of the following areas in the State of West Bengal, namely:—

1. The whole of 24-Parganas Civil District excluding such areas as fall within the Calcutta Municipal Limits; and
2. Calcutta Municipal Ward Nos. 1 to 100.

[No. 27 (F. No. 16/84/68-ITB).]

WASIQ ALI KHAN, Dy. Secy.

ELECTION COMMISSION, INDIA

New Delhi, the 15th April 1968

S.O. 1510.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Gujarat, hereby nominates Shri K. Sivraj, Secretary, Civil Supplies Department, Government of Gujarat, as the Chief Electoral Officer for the State of Gujarat from the date he takes over charge.

K. S. GOPALAN, Secy.

By Order,

K. S. RAJAGOPALAN, Secy.

